THE

Compleat Statesman,

Demonstrated in the

Life, Actions, and Politicks,

Of that great Minister of State,

Anthony Earl of *Shaftesbury*:

Containing

An Historical Account of his Descent, his Administration of Affairs in the time of *Oliver Cromwell*, his unwearied Endeavours to restore His Most Sacred Majesty, his Zeal in prosecuting the Horrid Popish Plot; several of his Learned Speeches during his being Ld. Chancellor; his Two Commitments to the *Tower*; the most material passages at his Tryal: With many more considerable Instances, unto his Lordships going for *Holland*.

London, Printed for *Benjamin Alsop*, at the *Angel* and *Bible*, and *Thomas Malthus*, at the *Sun* in the *Poultry*. 1683.

The Right Honourable ANTHONY Earle of SHAFTESBURY, &c.

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A View of the most Remarkable Transactions of that great Minister of State, Anthony *Earl of* Shaftesbury, *Baron* Ashley *of* Wimbourn *S.* Giles's, *and Lord* Cooper *of* Pawlett.

Descended from the Antient and Honourable Family of the Coopers *of* Wimbourn *St.* Giles's *in the County of* Dorset.

IT was an excellent Caution of the Moralist, *de vivis nil nisi verum, de mortuis nil nisi bonum,* which if the Relators of our Age adhered to, there could not be so many base reflections on the Living, nor such inhumane Reproaches of the Memories of the Dead, as we daily see imposed upon the too credulous World; so that we often see the gallant actions of the most Heroick, and generous, smutted, & bespattered with false & palpably scandalous Imputations; and on the other side, persons of little Figure, & small Demerit, guilded and vernished with all the applause and encomium due to the Brave and Noble.

It is therefore the design of this small Tractate, not to write after either of these two Copies; but to manage this discourse with that deference to truth, and the knowledg of the present Age, that calumny it self may not find where to fasten upon any part of the ensuing Relation. Nor would I have the Reader imagine, that any design of being seen in Print, or of reflecting on the present Administration of publick Affairs, hath occasion'd the writing hereof; but having heard that several Pens were employed in a work of this nature, and being sensible likewise of the present detracting Genius before hinted; I thought I might in some measure gratifie the inquisitive World by a sincere and candid Relation of the naked truth of things. Some men may object, that it cannot be thought proper to expose the Reputation of any person in an Historical way, until he hath acted out his part, & be fairly gone off the Stage, no more than it would be for a Naturalist to dissect a living person, to discover the soundness of his vitals.

But

But, as it's reported of Queen *Mary*, that on her Death-bed she said, Had there been a Window to her Breast, they might have seen *Calais* in her heart: So doubtless, could there be a view taken of the in-side of this Noble Peer, we might see his heart filled with Loyalty to his Prince, Love to his Country, & Zeal for the Protestant Religion; the Settlement of which only can secure us from the Attempts of His Majesties and His Peoples Enemies. Yet, if it be a truth, that the Actions of men are Mirrours, in which their Souls are discerned, we may, by taking a view of some of the most remarkable Passages of his Life, in some measure calculate the Dimensions and Complexion of his Soul.

The wisest of Kings tells us, That in the multitude of Counsellors there is strength; and how much it is the Interest of Princes to advance men of the highest Qualifications into such Trust, the Experience of all Ages

teſtifieth. The Affairs of the Publick receive their Exaltation or their Detriment, from their Advices; and according to the Qualifications and Inclinations of thoſe great Miniſters, may be calculated the Fate of Kingdoms. This hath obliged Monarchs to take to their Councils men of the largeſt Proſpect, the greateſt Eloquence, and ſteddieſt Principle to the Intereſt of the Government; perſons knowing in the Laws and Conſtitutions of the Kingdom, whereof they are Members, that Eſpouſe the Intereſt of their Country with an Inviolable Reſolution of adhering to it, with the hazard of their deareſt Lives and Liberties; ſuch as prefer the Concern of the Publick above their own private Satisfactions and Enjoyments; that dare deny themſelves for the good of the Prince. And of this ſort, (without Encroachment on the juſt Acquirements of any other Miniſter) we may affirm this

Noble

Noble Peer to be. With what Admirable Polity did he influence and manage the Councils he was concerned in during the *Inter-Regnum*, towards His Majeſties Intereſt? With what exquiſite Subtilty did he turn all the Chanels of their Councils to ſwell this Stream? And how unweariedly did he tugg at the Helm of State, till he had brought his great Maſter ſafe into the deſired Port? A ſenſe of theſe his great Abilities, and Firmneſs to the publick good, ſtill kept him up in the Eſteem of the Country, who would alwaies chuſe him one of their Repreſentatives, in the great Emergencies of State. They knew him to be one of thoſe that could not believe Prerogative to be incompatible with Property, but as he believed that Motto, *Rex Legis Tutamen*; ſo he would not have that other, *Grex Regis Tutamen* to be rejected.

In the year 1656. when a Parliament was choſen without the con-

ſent of the People, and to ſerve a a private Intereſt, we find him amongſt thoſe Worthies that Remonſtrated againſt that Arbitrary proceeding: for none were admitted into the Houſe but ſuch as received a Certificate in the following Form.

Com^t. Bucks.

Theſe are to certifie that — is returned by Indenture to ſerve in this preſent Parliament for the ſaid County, and approved by His Highneſs Council.

Sept. 17. 1656.

Nath. Taylor, Clerk of the Commonwealth in Chancery.

Hereupon Complaint being made to the Houſe that ſome perſons returned for Members, were not admitted into the Houſe; upon the queſtion it was Reſolved, That thoſe perſons ſhould make their Application

tion to the Council for Approbation.

Hereupon several of the Members that were chosen to serve in *Parliament*, and not Returned, published a Remonstrance, wherein they claimed the priviledge of the Antient Fundamental Laws, and their Birth-Right as Freemen of *England*. But the Remonstrance being much too large to be here inserted, I shall only present you with one or two Paragraphs, as a Speeimen of those brave *Hero*'s Resolution against a *Protectorian* Invasion: And the greatness of their Courage, and brave English Gallantry, will be the more conspicuous, if we consider this was done when the then Protector was in his Zenith; when almost all *Europe* trembled before him, and he gave Law to the Neighbour-Princes; when he had in his hand that Thunder that had shook the Nation off her very Foundations; And the House too filled with those who either were,

or ſeemed to be his Creatures: Yet in a general Defiance of this ſo potent Conquerour, did thoſe Noble *Patriots* (amongſt other things) Remonſtrate.

When our Worthy Anceſtors have been met in *Parliaments*, and have found Oppreſſion and Tyranny ſupported by ſuch ſtrong hands, that they could not prevail to ſecure their Countries, Lives and Liberties by wholſom Laws, they have often made their *Proteſtations* againſt the Injuſtice and Oppreſſion; and forewarned the people of their danger. In like manner, we who have been duly choſen by the people to be Members of the Parliament, that ſhould now have met, and have an undoubted Right to Meet, Sit, and Vote in Parliament, although we are Oppreſſed by Force of Arms, and ſhut out of the uſual place of Parliament Sitting; yet having Hearts ſenſible of that higheſt Truſt repoſed in us, and being filled with

Cares

Cares for the *Church* and Commonwealth, which with grief of heart we behold bleeding; we do hold our ſelves bound in duty to God, and our Counrry, to declare unto the People of *England*, their and our woful condition, and the moſt evident danger of the utter Subverſion of Religion, Liberty, Right, and Property.

We believe the Rumour is now gone through the Nation, that Armed men employed by the L.P. have prevented the free Meeting and Sitting of the intended Parliament, and have forcibly ſhut out of doors ſuch Members as he & his Council ſuppoſed would not be frighted or flattered to betray their Country, and give up their Religion, Lives, and Eſtates to be at his Will, to ſerve his Lawleſs Ambition. But we fear that the Slavery, Rapines, Oppreſſions, Cruelties, Murthers, and Confuſions that are comprehended in this horrid Fact, are not ſo ſenſibly

diſcerned, or ſo much laid to heart as the caſe requires; and we doubt not, but as the common practice of the Man hath been, the Name of God, and Religion, and formal Faſts and Prayers will be made uſe of to colour over the Blackneſs of the Fact: We do therefore in faithfulneſs to God, and our Country hereby Remonſtrate;

Firſt, That whereas by the Fundamental Laws of this Nation the People ought not to be bound by any Laws, but ſuch as are freely conſented unto by their choſen Deputies in Parliament, and it is a moſt wicked Uſurpation, even againſt the very Laws of Nature, for any man to impoſe his *Will* or *Diſcretion* upon another as a Rule, unleſs there be ſome Pact or Agreement between the Parties for that intent. And whereas by the Mercy of God only, in preſerving this Fundamental Law and Liberty, the good People of *England* have beyond memory of

any

any Record, preſerved their Eſtates, Families, and Lives, which had otherwiſe been deſtroyed at the will of every wicked Tyrant; and by keeping this only as their undoubted Right, they have been kept from being brutiſh Slaves to the luſts of their Kings, who would otherwiſe have deſpoiled them of their Perſons, Lives, and Eſtates by their Proclamations, and the Orders of themſelves and their Council. Now the *L. P.* hath by force of Arms invaded this Fundamental Right and Liberty, and violently prevented the meeting of the peoples choſen Deputies in Parliament: and he and his Council boldly declare;

That none of the Peoples Deputies ſhall meet in Parliament, unleſs they agree to the meaſure of their Fantaſies, Humours and Luſts.

They now render the people ſuch Fools, or Beaſts, as know not who

are

are fit to be truſted by them with their Lives, Eſtates and Families: But he and his *Council*, that daily devour their Eſtates, and Liberties, will judge who are fit to counſel and adviſe about Laws to preſerve their Eſtates and Liberties. Thus doth he now openly aſſume a power to pack an Aſſembly of his Confidents, Paraſites, and *Confederates*, and to call them a Parliament, that he may from thence pretend that the People have conſented to become his Slaves, and to have their Perſons and Eſtates at his Diſcretion. And if the people ſhall tamely ſubmit to ſuch a Power, who can doubt but he may Pack ſuch a Number as will obey all his *Commands*, and conſent to his taking what part of our Eſtates he pleaſeth, and to impoſe what Yoaks he thinks fit to make us draw in.

They know it to be the undoubted Right of the People to truſt whom they think fit, and as much the

the Right of every man duly choſen and truſted, to meet and Vote in Parliament, without asking their Leave, or begging their Tickets. And although there have been frequent Secret Deſigns for many years to ſubvert Religion, Liberty, and *Property* in this Nation; and to that end the Deſigns of Tyranny have attempted to deſtroy ſometimes the Being, ſometimes the *Power*, *Priviledges*, and Freedom of *Parliaments*; yet the Mercy of God hath almoſt miraculouſly preſerved the Being, *Priviledges* and Authority of Parliaments, and therein Religion, Liberty, and *Property*, until the time of the Lord *Protector*.

But now he hath aſſumed an Abſolute Arbitrary Soveraignty (as if he came down from the Throne of God) to create in himſelf, and his Confederates, ſuch Powers and Authorities, as muſt not be under the cognizance of the peoples *Parliaments*. His *Proclamations* he declares

clares ſhall be binding Laws to *Parliaments* themſelves; he takes upon him to be above the whole Body of the people of *England*, and to judge and cenſure the whole Body, and every Member of it, by no other Rule or Law than his pleaſure, as if he were their Abſolute Lord, and had Bought all the people of *England* for his Slaves. Doubtleſs he would pretend only to have conquered *England* at his own Expence; and, were there as much Truth as there is Falſhood in that pretence, yet he could not but know that the Right of the peoples Deputies to their Antient *Powers* and *Priviledges* would remain good againſt him, as againſt their publick capital Enemy, Whom every man ought to deſtroy, until by ſome agreement with the the Body of the people in *Parliament*, ſome ſort of governing *Power* in him were ſubmitted unto, that hereby he might ceaſe to be a publick Enemy and *Deſtroyer*, and become

come a King, or Governour, according to the conditions accepted by the people; and if he would ſo pretend, he could not be ſo diſcharged from his publick Enmity by any Conditions or Agreement made with a part of the Peoples choſen Deputies, whilſt he ſhut out the other part; for no part of the Repreſentatives Body are truſted to conſent to any thing in the Nations behalf, if the whole have not their free Liberty of Debating and Voting in the Matters propounded.

If he would pretend no higher than to be our Conqueror, who for Peace and his own ſafety's ſake, was content to ceaſe from being a publick Enemy, and to be admitted a Governor, he would not compaſs thoſe ends by forcibly excluding (as now he does) whom he pleaſes of the Repreſentative Body of the People, who were to ſubmit to him on the Peoples behalf; therefore he either takes upon him to be ſuch a Conqueror as ſcorns

the

the Peoples acceptance of him by their Repreſentative as their Governour, and fears not to remain a publick Enemy, or elſe he takes himſelf to be ſuch an unheard of Soveraign, that againſt him the people have no claim of Property or Right in themſelves, or any thing elſe; for he hath now declared, that the peoples choice cannot give any man a Right to ſit in Parliament, but the Right muſt be derived from his gracious Will and Pleaſure, with that of his Councellors, and his Clerks Ticket only muſt be their evidence for it.

Thus hath he exalted himſelf to a Throne like unto God's, as if he were of himſelf, and his power from himſelf, and we were all made for him, to be commanded and diſpoſed of by him, to work for him, and ſerve his Pleaſure and Ambition.

A little after there is an Inſtance of Chief-Juſtice *Treſilian*, who was executed at *Tyburn* in the time of *Richard*

Richard the Second, for adviſing the King, that he might at any time diſſolve the Parliament, and command the Members to depart under the penalty of Treaſon. Divers other Proteſtations were contained in that Inſtrument againſt the Arbitrarineſs and Tyranny of that proceeding; and in concluſion they declare they will pour out their complaints before the Lord againſt their powerful Oppreſſors, hoping he will redeem his people out of the hands of wicked and deceitful Men. This proteſtation was ſigned by One hundred and ſeventeen perſons, whereof Sir *Anthony Aſhly Cooper*, the preſent Earl of *Shaftesbury* was one, and many others of great Loyalty and Integrity, ſome whereof are ſince dead, and others ſtill alive in great Honour and Office.

By this may be eaſily diſcerned the Opinion he had of the Illegal and Arbitrary proceedings of *O. C.* and how much of the ſufferings of the Loyal

Loyal Party would have been prevented, had that point of a free Parliament been then gained: His Majesties Restauration must have been the natural consequence of it. The constant correspondence he always kept with the Royal Party, and that almost to the hazard of his Life and Family, are sufficient Testimonies of his sincerity to his Masters Interest and Service.

His House was a *Sanctuary* for distressed Royalists, and his correspondence with the Kings Friends (though closely managed, as the necessities of those times required) are not unknown to those that were the principal managers of His Majesties Affairs at that time.

This made that great Politician *O. C.* so apprehensive of this great Assertor of his Countries Rights, and Opposer of Arbitrary Government and Enthusiasm, that though his vast Abilities were known (at least) to equal the ablest Pilot of the State

State, yet we cannot find him amongſt the Creatures of his Cabinet, or Council, nor amongſt the Eleven Major Generals, to whom the Care of the Nation was committed: No, their Principles, their Aims and Deſigns were incompatible; one was for Subverting, the other for Maintaining the Antient ſtanding Fundamentals of the Nation; which once diſſolved, it were impoſſible but an univerſal Deluge of Confuſion, Blood and Rapine muſt enſue. This made our brave Patriot (with divers of the Heroick Engliſh Race) to the utmoſt oppoſe the growth of a *Protectorian* Power. So that we find Sir *Anthony Aſhly Cooper* accuſed before the Parliament in the year 1659. for keeping Intelligence with the King, and for having provided a Force of Men in *Dorſetſhire*, to joyn with Sir *George Booth* in attempting to reſtore and bring His Majeſty that now is to His Rightful Throne. Many perſons of great note were im-

priſoned on the account of this Plot; and amongſt the reſt Sir *Anthony Aſhly Cooper*, who though (at that time one of the Commiſſioners of the Army, and a Member of the Houſe of Commons, yet was complained of to the Parliament for a great Manager of the Deſign; and although no man knew better how to obviate the Reaſons of the Houſe, and plead his own Cauſe, yet was with great difficulty cleared and diſcharged of that Imputation by the Houſe of Commons.

The Eyes of the great States-men were ſo much upon him, that he was one of thoſe Loyal Perſons mentioned by *Baker* in his Chronicle, whereof the Council of State was compoſed; in which Liſt we find General *Monk* to be the foremoſt; and that Council the Chronologer calls men of Integrity, and well affected to Kingly Government: And he that will but conſider how ſoon His Majeſties Reſtauration enſued upon the Election

Election of this Council, will have good reaſon to be of the ſame Opinion. And in the 673 page we find him to be one of the Nine of the Old Council of State, who ſent that encouraging Letter to the ſaid General, to promote his undertaking for the Advantage of the Three Nations. Again, we find him in the Liſt of that Council of State conſiſting of Thirty Nine, upon whom an Oath was endeavoured to be Impoſed for the Abjuration of the Royal Line, but by the Influence of Sir *Anthony Aſhly Cooper*, and General *Monk*, upon Coll. *Morly*, that Oath was oppoſed in Council, as being a ſnare, and againſt their Conſciences. This was ſtrongly pleaded by the Soberer part of the Council, whereof this great Patriot was one, and ſo an end was put both to that Oath, and to the Council. Nor is it in the leaſt unknown to perſons then in being, how much his Advice influenced the Councils of thoſe times.

He was the perſon that was particularly ſingled out of the whole Council by Commiſſary *Clargis* in *Novemb.* 1659. and had communicated to him a dangerous Deſign, tending to Involve the Nation in further trouble, which this Honourable perſon imparted to the Council of State. This was that great Council that complied with General *Monk* in that great Revolution of Reſtoring His Majeſty. And if that great Action were the occaſion of a candid conſtruction put on all the former Actings of the General, why they ſhould not have the ſame Candour for this Noble perſon, I think none can determine. His Employment at this time was in places of the higheſt Truſt and Importance; an undeniable Teſtimony of the great Opinion the then great Miniſters had of his Loyalty, as well as known Ability for the Management of the then Intricate and cloſe Deſigns. A further proſpect will be taken of

of his Concurrence with Gen. *Monk* in that Important Juncture, if we remember that his Regiment was one of the first that declared for the Parliament, and General *Monk*, in *March* 1659. So zealous was he in putting all his strength to the turning the great Wheel of State.

At the time of His Majesties Restauration, as a most signal Testimony of His Majesties good Sentiments of his former Actions, he was Advanced to be one of the first Rank in His Majesties most Honourable Privy Council, and was placed above His Majesties Royal Brother, the Duke of *Glouceſter*, and even Gen. *Monk* himself, whom His Majesty used to call his Political Father. And about three daies before His Majesties Coronation, he was in the Banquetting-house created Baron *Ashly* of *Wimbourn* St. *Giles's*; and another addition of Honour was conferred on him (*viz.*) Lord *Cooper* of *Paulett*; And at last in the

year 1672. he was made Earl of *Shaftesbury*, at the ſame time when Duke *Lauderdale*, the Earl of *Arlington*, and the Lord *Clifford* were promoted. To his happy Councils do both King and Kingdom owe for the happy Conduct of things for divers years; ſo that now he ſeemed to be incorporate into the heart of his Prince; the Events of his Advices were commonly agreeable to what he at firſt propoſed; ſo that it may be ſaid of him as was ſpoken of *Polibius*: that (as *Scipio*) ſo the King ſeldom miſcarried in any thing that was carried on by his Advice; ſo that at length he ſeemed to be the Royal Oracle. In fine, ſuch was the Opinion which his wiſe Adminiſtration had gained, that as he ſate in one of the higheſt places in his Maſters favour, ſo he was preferred to the higheſt Truſt of Honour in the Kingdom; he was made Chancellor of the *Exchequer*, and afterwards Lord High Chancellor of *England*,

England, about the beginning of the Year 1672. Now was the Kings Conſcience (as it were) entruſted to his care and management; this was the higheſt Orb a Subject was capable to move in; but with what Sagacity, Honour and Integrity he acquitted himſelf in that great Employment, the Tranſactions of the Court of *Chancery* at that time can beſt witneſs. Juſtice ran in an equal channel, the cauſe of the Rich did not ſwallow up the Rights of the Poor, he that was oppreſſed found Relief, and the Oppreſſor a Rebuke ſuitable to his crime; the uſual delays of that Court were much abated, and all the Tranſactions thereof were managed with the greateſt Judgment and Equity.

As an Inſtance of his conſtant adhering to the Intereſt of his Maſter, and the *commune Bonum*, or Weal of the publick, you may take a copy of his Thoughts from that excellent Speech made by him in favour of

the Subject in the *Exchequer*, *Jan.* 24. 1673. at Baron *Thurland*'s taking the Oath, a copy whereof follows.

Mr. Serj. Thurland,

'The King of his Grace and Favour hath made choice of you to 'be one of the Barons of the *Exche-* 'quer*;* he designed to place you in a 'Court of more profit, though not of 'more Dignity; but your own Mo- 'desty and Virtue hath chosen this 'Court, where you thought you 'could serve the K. best. And I could 'not omit to mention it here to your 'Honour, it being the greatest In- 'stance of a good man, that he had 'rather be found serviceable than 'rich. His Majesty hath had large 'proof of your former services; be- 'sides, he takes you upon the credit 'of that Recommendation that hath 'justly the best place with him, I 'mean his Royal Brothers. Some 'few things it is fit I should here 'mention to you, and leave with 'you as Admonitions, or rather Re- 'membrances. 'In

'In the first place you are to main-
'tain the Kings Prerogative, and let
'not the Kings Prerogative and the
'Law be two things with you: For
'the Kings Prerogative is Law, and
'the principal part of it, and there-
'fore in maintaining that, you main-
'tain the Law. The Government of
'*England* is so excellently interwo-
'ven, that every part of the Prero-
'gative hath a broad mixture of the
'Interest of the Subject, the ease and
'safety of the people being insepa-
'rable from the greatness and securi-
'ty of the Crown.

'In the next place let me advise
'you that you acquaint your self with
'the Revenue, as also with the an-
'cient Records, Precedents, and
'Practices of this Court, for want of
'which knowledge, I have seen this
'Court a most excellent *Common*
'*Pleas*, when at the same time I
'could not say so much for it as
'an *Exchequer*.

'In the third place let me recom-
'mend

'mend to you ſo to manage the Kings 'Juſtice and Revenue, as the King 'may have moſt profit, and the Sub-'ject leaſt vexation. Raking for old 'Debts, the number of Informations, 'Projects upon Concealments, I could 'not find in the 11 years Experience 'I have had in this Court, ever to 'advantage the Crown; but ſuch 'proceedings have for the moſt 'part delivered up the Kings good 'Subjects into the hands of the worſt 'of Men.

'There is another thing I have 'obſerved in this Court, which I 'ſhall mind you of, which is, when 'the Court hearkens too much to 'the Clerks and Officers of it; and 'are too apt to ſend out proceſs, 'when the Money may be raiſed by 'other ways more eaſie to the peo-'ple. I do not ſay that the Kings 'Duty ſhould be loſt, or that the 'ſtricteſt courſe ſhould not be taken, 'rather than that be; but when you 'conſider how much the Officers of

'this

'this Court, and the Underſheriffs 'get by proceſs upon ſmall ſumms, 'more than the Kings Duty comes 'to; and upon what ſort of people 'this falls, to wit, the Farmer, Husband-'man and Clothier, in the Country, 'that is generally the Collector, Con-'ſtable and Tythingman, and ſo di-'ſturbs the induſtrious part of the 'Nation, you will think it fit to make 'that the laſt way when no other 'will ſerve.

'Give me leave alſo to mind you of 'one thing more, which is in your 'Oath, T*hat the Kings needs ye ſhall 'ſpeed before all other*: that is, the 'buſineſs of the Revennue of the 'Crown you are to diſpatch before 'all other, and not turn your Court 'into a Court of Common Pleas; and 'let that juſtle out what you were 'conſtituted for.

'In the laſt place let me conclude 'with what concerns all my Lords 'the Judges, as well as you, let me 'recommend to you the *P*ort and

'way

'way of Living ſuitable to the 'Dignity of your place, and what 'the King allows you. There is not 'any thing that gains more Reputa-'tion and Reſpect to the Govern-'ment than that doth: and let me 'tell you, Magiſtrates, as well as 'Merchants are ſupported by Re-'putation.

His particular Application to prevent any miſunderſtanding between the King and his Parliament, is very obvious to any that ſhall but look into his Speeches to the Parliament during his Chancellorſhip, and with how great concern he ſtill vindicated his Maſters Actions: He acquitted himſelf in all the great Emergencies of this High Employment with that univerſal Applauſe and ſatisfaction, as ſeldom happens to men in ſuch an envied ſtation: The vileſt of his Detractors not being able to faſten any Imputation upon his conduct in thoſe great and weighty Truſts he was advanced to.

So

So little of ſelf appeared in his Actions, that it may be modeſtly affirmed of him, he made his own Intereſt ſtrike ſail to the publick, and his care for others ſeemed more than for himſelf, and at the time of his higheſt Elevation, he would not neglect the meaneſt Suitors that applied themſelves to him.

Thus having gradually traced the Advancement of this great Miniſter to the higheſt pitch of Honor, where he appeared *ſicut Luna inter Stellas minores.* I ſhall now take notice of his Relinquiſhment of that High Employment, and what other contingencies have happened to him ſince.

About *November* 1673. His Majeſty was pleaſed to ſend for the Lord Chancellor to *White-Hall*, where he reſigned the Great Seal of *England* to His Majeſty, and was diſmiſt from being Under-Treaſurer of the *Exchequor*, which place was conferred on Sir *John Duncomb.* In the Afternoon of the ſame day the

Earl

Earl of *Shaftesbury* was visited by Prince *Rupert*, with divers other great Lords at *Exeter* House, where they gave his Lordship Thanks for his Faithful and Honourable Discharge of that great Employment. Thus this mighty Minister, who had to the universal satisfaction of all good Men, been raised to that degree of Interest in his Masters favour, without a murmur laid all his Honours at his Masters Feet, and was observed not to abate of the chearfulness of his Temper upon the loss of his honorary Employment. I shall conclude this part with a touch of this Earl's Character, which saith,

——His choice Sagacity
Strait solv'd the Knot that subtle (Lawyers tied,
And through all Foggs discern'd th'op- (prest side,
Banish'd delays, & so this noble Peer
Became a Star of Honor in our Sphere,
A needful Atlas *of our State*, &c.

The

The 16th of *Feb.* 1676. The Honourable Earl of *Shaftesbury* was ſent a Priſoner to the *Tower* by Order of the Houſe of Lords: There were at the ſame time committed the E. of *Salisbury*, and the L. *Wharton*. The Form of the Warrant for their Commitment was as followeth:

Ordered by the Lords Spiritual and Temporal in Parliament Aſſembled, That the Conſtable of His Majeſties Tower of London, *His Deputy, or Deputies, ſhall receive the Bodies of* James *Earl of* Salisbury, Anthony *Earl of* Shaftesbury, *and* Philip *Lord* Wharton, *Members of this Houſe, and keep them in ſafe Cuſtody within the ſaid Tower during His Majeſties pleaſure, and the pleaſure of this Houſe, for their High Contempts Committed againſt this Houſe; And this ſhall be ſufficient Warrant on that behalf.*

To the Conſtable
of the *Tower*.

J. Browne,
Cler. Par.

The 27th and 29th of *Jan.* 1677. The E. of *Shaftesbury* was brought to the *King's-Bench-Bar*, upon the Return of an *Alias Habeas Corpus*, directed to the Conſtable of the *Tower*, where the Council for the Earl prayed that the Return might be filed, and the *Friday* following appointed for Debating the ſufficiency of the Return, and my Lord was remanded until that day.

On *Friday* the Earl was brought into Court again, and his Council argued the Inſufficiency of the Return. After Mr. *Williams*, Mr. *Wallop*, Mr. *Smith*, had ſhewed divers weighty Reaſons in behalf of the Earl, that that Court might relieve him, they were oppoſed by the Solicitor General, and the Attorney General, who brought divers Inſtances why that Court could not diſcharge a perſon Committed by Parliament; whereupon the Earl of *Shaftesbury* is ſaid to have ſpoke to this purpoſe:

My

My Lords,

I did not intend to have ſpoken one word in this buſineſs, but ſomething hath been objected, and laid to my Charge by the King's Council, Mr. Attorney, *and* Mr. Solicitor, *that enforceth me to ſay ſomething for your better ſatisfaction. They have told you, that my Council in their Arguments ſaid, That this Court was greater than the Houſe of Peers, which I dare to Appeal to your Lordſhips, and the whole Court, that it was never ſpoken by them; I am ſure it was not by any direction of mine. What is done by my Council and by me, is, that this is the moſt proper Court to reſort unto, where the Liberty of the Subject is concerned. The Lord's Houſe is the Supream Houſe of Judicature in the Kingdom; but yet there is a Juriſdiction that the Lord's Houſe does not meddle with. The King's Council hath mentioned as a wonder, that a Mem-*

ber of the Lord's Houſe ſhould come hither to diminiſh the Juriſdiction of the Lords. I acknowledge them to be Superiour to this, or any other Court, to whom all Appeals and Writs of Errour are brought; and yet there are Juriſdictions that they do not Challenge, and which are not natural to them, or proper for them. They claim not to meddle in Original Cauſes and ſo I might mention in other things; and I do not think it a kindneſs to any Power, or Body of Men, to give them ſome Power that is not natural or proper to their Conſtitutions: I do not think it a kindneſs to the Lords to make them Abſolute, and above the Law, for ſo I humbly conceive this muſt do, if it be adjudged that they by a General Warrant, or without any particular Cauſe Aſſigned do Commit me, or any other man to a perpetual and indefinite Impriſonment: And my Lords, I am not ſo inconſiderable a perſon, but what you do in my Caſe, muſt

must be Law for every man in England. Mr. Attorney *is pleased to say I am a Member of the Lord's House, and to lay weight on the word Member.*

It is true, I am one of them, and no man hath a greater Reverence or Esteem for the Lords, than my self; but my Lords, I hope my being a Peer, or a Member of either House, shall not lose my Priviledge of being an English man, or make me to have less Title to Magna Charta, *or the other Laws of English Liberty. My Opinion is not with one of my Council, who argued very learnedly, that the Passing an Act by the King's Royal Assent, can make a Session, because the usual promise was not in it. It was without any Instruction of mine to mention that point. The King's Council tells your Lordships of the Laws and Customs of Parliament; and if this were so, I should submit; but this Case of mine is* primæ Impressionis, *and is a new way*

ſuch as neither Mr. Attorney, *nor* Mr. Solicitor *can ſhew any Preſident of; and I have no other Remedy or place to Apply to, than the way I take.*

Mr. Attorney *confeſſeth, that the King's pleaſure may Releaſe me without the Lords: If ſo, this Court is* Coram Rege, *this Court is the proper place to determine the King's pleaſure. This Court will, and ought to Judge of an Act of Parliament void, if it be againſt* Magna Charta, *much more may Judge an Order of the Houſe that is put in Execution to deprive any Subject of his Liberty. And if this Order or Commitment be a Judgment, as the King's Council affirms, then it is out of the Lords hands, and properly before your Lordſhips, as much as the Acts which were lately Paſſed, which I preſume you will not refuſe to Judge of; notwithſtanding that the King's Atorney General ſaith this Parliament is ſtill in being. I take it ſomething*

thing ill that Mr. Attorney *tells me I might have Applied elſewhere.*

My Lord, I have not omitted what became my Duty toward the King; for beſides the Oath of Allegiance I took as a Peer, or an Engliſh man, there is ſomething in my Breaſt that will never ſuffer me to depart from the Duty and Reſpect that I owe him; but I am here before him; he is alwaies ſuppoſed to be here preſent, and he alloweth his Subjects the Law.

My Lord, They ſpeak much of the Cuſtom of Parliament; *but I do affirm, there is no Cuſtom of Parliament that ever their Members were put out of their own Power; and the Incouveniencies of it will be endleſs.*

Mr. Attorney *was pleaſed eaſily to anſwer the Objection of one of my Council; if a great Miniſter be ſo Committed, he hath the Cure of a Pardon, a Prorogation, or a Diſſolution: But if the Caſe ſhould be put, why Forty Members, or a greater*

number, may not as well be taken away without Remedy in any of the King's Courts, he will not ſo eaſily anſwer; and if in this caſe there can be no Relief, no man can foreſee what will be hereafter.

I deſire your Lordſhip well to conſider what Rule you make in my Caſe, for it will be a Preſident that in future Ages may concern every man in England. *My Lord,* Mr. Attorney *ſaith, you can either Releaſe or Remand me; I differ from him in that Opinion. I do not inſiſt upon a Releaſe; I have been a Priſoner above Five Months already, and come hither of Neceſſity, having no other way to get my Liberty, and therefore am very willing to tender your Lordſhip Bail, which are in, or near the Court, as good as any are in* England, *either for their Quality or Eſtate, and I am ready to give any Sum or Number.*

My Lord, This Court being poſſeſt of this buſineſs, I am now your Priſoner.

The

The Court delivered their Opinion *Seriatim.*

Mr. Juſtice *Jones*, Mr. Juſtice *Wild*, Lord Chief Juſtice *Reimsford*; Mr. Juſtice *Twiſden* was abſent, but he deſired Juſtice *Jones* to declare that his Opinion was, that the Party ought to be remanded, which being the ſenſe of the Court, his Lordſhip was Remanded by the Court.

His Lordſhip being denied Redreſs in the Court of *King's-Bench*, he continued a Priſoner in the *Tower*, until the following *February*; and on the Fourteenth of that Month preſents a Petition to the Houſe of Lords, then Sitting, wherein his Lordſhip makes a very humble Submiſſion both to the King and Houſe of Peers; and for better ſatisfaction here is inſerted, what was ſaid to be a Tranſcript of the Proceedings of that Houſe relating to that Affair.

Die Jovis, Feb. 14. 1677.

A Petition was preſented to the Houſe from the Earl of *Shaftesbury*, wherein he humbly ſubmits himſelf to their Lordſhips pleaſure, and is ready to make acknowledgment, and ſubmiſſion according to their directions; but in regard it did not appear to this Houſe, that his Lordſhip had made his Acknowledgment to His Majeſty, after ſome Debate the Petition was rejected.

Die Mercurii, Feb. 20. 1677.

A Petition from the E. of *Shaftesbury* was preſented to the Houſe, and Read as follows:

To the Right Honourable the Lords Spiritual and Temporal in Parliament Assembled.

The Humble Petition of *Anthony* Earl of *Shaftesbury*:

Sheweth,

THat *your Petitioner on the* 16*th of* Feb. 1676. *was Committed Prisoner to the Tower of* London *by your Lordships, because he did not obey your Lordships Order, where he hath continued under Close Confinement, to the great decay of his Health, and danger of his Life, as well as prejudice of his Estate and Family. In all humble Obedience therefore unto your Lordships, he doth acknowledge that his Endeavouring to maintain that this Parliament is Dissolved, was an ill-advised Action, for which he humbly begs the Pardon of the King's Majesty,*

jesty, and of this most Honourable Houſe; and doth in all humble Duty and Obſervance to your Lordſhips, beſeech you to believe that he would not do any thing willingly to incur your diſpleaſure.

Wherefore your Petitioner in all humble Duty and Obedience both to His Majeſty, and your Lordſhips, hath made his humble Submiſſion and Acknowledgment in his moſt humble Petition unto the King's moſt Sacred Majeſty, and is ready to make his further Submiſſion to His Majeſty, and this Honourable Houſe, according to the direction thereof. And he doth moſt humbly implore your Lordſhips, That you will be pleaſed to reſtore him to your Favour, and diſcharge him from his Impriſonment.

And your Petitioner, &c.
Shaftesbury.

This being Read, the Lord Chancellor acquainted the Houſe that His

His Majeſty had received a Third Petition from the E. of *Shaftesbury*, more ſubmiſſive in Form than the Two Firſt. But His Majeſty underſtanding that the Earl of *Shaftesbury* hath endeavoured to free himſelf from the Cenſure of this Houſe, by Appealing to the *King's-Bench*, to have their Judgments thereupon, during the late Adjournment, doth not think fit as yet to ſignifie his pleaſure as to his Diſcharge, until this Houſe hath taken that matter into conſideration.

So that at that time the Houſe refuſed to Addreſs to the King for a Diſcharge for the ſaid Earl, but entered on a Debate concerning his Appeal from this Houſe to the *King's-Bench* for an *Habeas Corpus*, which Debate was again reſumed the day following, and the Records of the *King's-Bench* produced, by which it did appear that two Rules of Court had been obtained upon the Motion of the E. of *Shaftesbury*'s Council,

Council, *Trin. Term*, 1677. and the Returns thereupon were Read, by which it did appear, that the Earl of *Shaftesbury* was Committed the 16th of *Feb.* 1676. by this Houſe for a Contempt, and then the *Remittitur* of the Earl of *Shaftesbury* to the *Tower* was alſo Read.

After this a Petition from the Earl of *Shaftesbury* to this Houſe was Read, wherein his Lordſhip took notice of an Order of this Houſe, of the 20th Inſtant, for bringing the Records of the Court of *King's-Bench* into this Houſe, concerning the Matter of an *Habeas Corpus* brought by him, that he takes himſelf to be greatly concerned, and to have a Right to be preſent, and heard, when any Debate of any new matter againſt him is entered upon. That he cannot pretend but that he may have erred, for want of a Preſident to guide him; and being deprived of the benefit of Council by reaſon of his cloſe Confinement, and being

being reſolved not to do any thing willingly, that might in the leaſt offend His Majeſty, or their Lordſhips, he humbly takes this opportunity to give further Evidence thereof by caſting himſelf at their Lordſhips feet; and as he hath humbly begg'd the Pardon of His Majeſty, ſo he beggs alſo the Pardon of this Houſe, for having offended them in any thing whatſoever.

This having been Debated a long time, the Houſe at laſt came to this Reſolution following:

Reſolved and declared, *That it is a breach of the Priviledge of this Houſe, for any Lord Committed by the Houſe to bring an* Habeas Corpus *in any Inferiour Court, to free himſelf from that Impriſonment, during the Seſſion of Parliament.*

Reſolved, *That the Earl of* Shaftesbury *ſhall have Liberty to make his full Defence, notwithſtanding*

ing

ing the Reſolution and Declaration aforeſaid.

Die Veneris, Feb. 22.

The Houſe ſent a Warrant to the Conſtable of the *Tower*, to bring the Earl of *Shaftesbury* to the Bar of this Houſe on the *Monday* following; accordingly on the *Monday* following the Earl of *Northampton*, Conſtable of the *Tower*, brought the Earl of *Shaftesbury* to the Bar of the Houſe, where having kneeled, the Lord Chancellor gave him an account of the foregoing Reſolution of the Houſe. Whereupon the Earl of *Shaftesbury* anſwered to this Effect.

My Lords,

I have preſumed to preſent two Petitions to this Honourable Houſe; the firſt your Lordſhip mentions, I do again here perſonally renew, humbly deſiring that I may be admitted to

make

make that Submiſſion and Acknowledgement your Lordſhips were pleaſed to Order: And that after a Twelve-months cloſe Impriſonment to a man of my Age and Infirmities, your Lordſhips would pardon the folly or unadviſedneſs of any of my words or actions. And as to my ſecond Petition, I moſt humbly thank your Lordſhips for acquainting me with the Reſolution and Declaration in that point; and though Liberty be in it ſelf very deſirable, and as my Phyſician (a very Learned man) thought, abſolutely neceſſary to the preſervation of my Life: Yet I do profeſs to your Lordſhips, upon my Honour, that I would have periſht, rather than have brought my Habeas Corpus, *had I then apprehended, or been informed, that it had been a breach of the Priviledge of this Honourable Houſe. It is my Duty, it is my Intereſt to ſupport your Priviledges; I ſhall never oppoſe them. My Lords, I do fully acquieſce*

in

in the Reſolution and Declaration of this honourable Houſe; I go not about to juſtifie my ſelf, but caſt my ſelf at your Lordſhips Feet, acknowledg my Errour, and humbly beg your pardon, not only for having brought my Habeas Corpus, *but for all other my VVords and Actions that vvere in purſuance thereof, and proceeding from the ſame Errour and Miſtake.*

One *Blany* was then called into the Houſe, who had delivered a paper to the Lord Treaſurer *Danby*, pretending to give a relation of ſome words ſpoken by the E. of *Shaftesbury*, in the Court of *Kings-Bench*, at the time when he moved for his *Habeas Corpus*; but though this whole Tranſaction were no longer ſince, than the laſt *Trinity* Term, yet the ſaid Mr. *Blany* could not affirm that what was written in the ſaid paper, was in part, or whole really ſpoken by the Earl of *Shaftesbury*; ſo that the Lord Treaſurer being able to make

make nothing of Mr. *Blany*'s paper, (which was a hard caſe) the Houſe of Lords proceeded to a Reſolution, in what form the Earl of *Shaftesbury* ſhould make his ſubmiſſion and acknowledgment, which being drawn up in words importing much the ſame with what the Earl had before declared; which being read to him by the Lord Chancellor, the Earl of *Shaftesbury* repeated the ſame at the Bar of the Houſe, and then his Lordſhip withdrew.

The Houſe then ordered, that the Lords with white ſtaves ſhould wait upon His Majeſty, to give His Majeſty Account, that the Houſe had received ſatisfaction from the Earl of *Shaftesbury*, in the matter of the *Habeas Corpus*, and the other contempt for which he ſtood committed; and are humble Suitors to his Majeſty, that he would be pleaſed to diſcharge him from his Impriſonment. And that their Lordſhips do acquaint the Houſe to morrow what

they have done in this matter.

Die Martis, 26 Feb. 1677.

The Lord Treaſurer reported to the Houſe, That the Lords with white ſtaves had waited on his Majeſty, according to the Order of this Houſe, To which His Majeſty was pleaſed to give this anſwer, *That he will give Order for the Earl of* Shafteſbury's *diſcharge.*

Thus was this great heat (whereby ſome of this worthy Peers Enemies thought then to blaſt his Loyalty and Integrity, and endeavoured to foment the diſguſts of the Houſe againſt him) at laſt extinguiſhed; and the Earl a little after ſaw this Parliament firſt prorogued, and ſoon after diſſolved.

Now was that Diabolical Plot of the Jeſuits and Papiſts diſcovered, by the great care and fidelity of Dr. *Titus Oats*, which convinced both the King, Lords, and Commons, and all

all the Nation in General, of a damnable, treaſonable, popiſh deſign to murther our Proteſtant King, with the chiefeſt of the Nobility and Gentry, and to reduce a Proteſtant Church to Romiſh Idolatry, and the State to a Catholick ſlavery.

The ſeventh of *March* 1678. A Parliament met at *Weſtminſter*, and choſe the Honourable *Edward Seymour* Eſq; their Speaker, who had been Speaker of the laſt long Parliament. This Parliament did like noble Engliſh Patriots, endeavour to give check to the bloody popiſh Deſigns on foot, and paſſed many excellent Votes for that purpoſe, many Members acquitting themſelves in their Speeches like Men of high ſenſe of the Miſeries the Nation was like to be involved in. This Houſe carried up the Impeachment to the Houſe of Lords againſt *William* Earl of *Powis*, *William* Viſcount *Stafford*, *Henry* Lord *Arundel* of *Wardour*, *William* Lord *Peters*, and *John* Lord

Bellasis, for High Treason, and other high crimes and misdemeanours. But this having been at large published to the World, in divers other prints, with divers Instances how this Noble Peer was personally struck at in that hellish Design; I shall refer the Reader for more full satisfaction, to the several Narratives and Discoveries of the popish Plot, printed by Authority. And shall now come to give you an Account of a Speech said to be delivered by this Honourable person in the House of Lords, on the 25th of the Instant *March*, *Anno* 1679.

You are appointing of the consideration of the State of England *to be taken up in a Committee of the whole House, some day the next week. I do not know how well what* I *have to say may be received, for* I *never Study either to make my Court well, or to be popular*; I *always speak what* I *am commanded by the dictates of the*

the Spirit vvithin me. There *are ſome other conſiderations that concern* England *ſo nearly, that vvithout them you vvill come far ſhort of Safety and Quiet at home. VVe have a little Siſter and ſhe hath no Breaſts, vvhat ſhall vve do for our Siſter in the day vvhen ſhe ſhall be ſpoken for? If ſhe be a VVall, vve vvill build on her a Palace of Silver; if ſhe be a Door, vve vvill incloſe her vvith Boards of Cedar. VVe have ſeveral little Siſters vvithout Breaſts, the* French *Proteſtant Churches, the tvvo Kingdoms of* Ireland *and* Scotland; *the foreign Proteſtants are a VVall, the only VVall and Defence to* England; *upon it you may build Pallaces of Silver, glorious Pallaces. The protection of the Proteſtants abroad, is the greateſt povver and ſecurity the Crovvn of* England *can attain to, and vvhich can only help us to give check to the grovving Greatneſs of* France. Scotland *and* Ireland *are two doors, either to let in*

good or miſchief upon us; they are much weakned by the Artifice of our cunning Enemies, and we ought to encloſe them with Boards of Cedar.

Popery and Slavery, like two Siſters, goe hand in hand, ſomtimes the one goes firſt, ſomtimes the other, in a doors, but the other is always following cloſe at hand.

In England *Popery was to have brought in Slavery; in* Scotland *Slavery went before, and Popery was to follow. I do not think your Lordſhips, or the Parliament have Juriſdiction there. It is a Noble and Ancient Kingdom; they have an Illuſtrious Nobility, a Gallant Gentry, a learned Clergy, and an underſtanding, worthy People; but yet we cannot think of* England *as we ought without reflecting on the condition thereof. They are under the ſame Prince, and the influence of the ſame Favourites, and Councils: When they are hardly dealt with, can we*

that

that are Richer expect better usage? For 'tis certain, that in all absolute Governments, the poorest Countries are always most favourably dealt with. When the ancient Nobility there cannot enjoy their Royalties, their Shrievaldoms, and their Stewardies, which they and their Ancestors have possessed for several hundreds of years, but that now they are enjoin'd by the Lords of the Council to make deputations of their Authorities to such as are their known Enemies, can we expect to enjoy our Magna Charta *long, under the same persons and Administration of Affairs? If the Council-Table there can imprison any Nobleman, or Gentleman for several years, without bringing him to Trial, or giving the least Reason for what they do: can we expect the same Men will preserve the Liberty of the Subject here?*

My Lords, I will confess that I am not very well vers'd in the particular

Laws of Scotland; *but this I do know, that all the Northern Countries have by their* Laws *an undoubted and inviolable Right to their* Liberties, *and* Properties; *yet* Scotland *hath out-done all the Eaſtern and Southern Countries, in having their* Lives, Liberties, *and* Eſtates *ſubjected to the Arbitrary Will and Pleaſure of thoſe that govern. They have lately plundered and haraſed the richeſt and wealthieſt Countries of that Kingdom, and brought down the barbarous Highlanders to devour them; and all this almoſt without a colourable pretence to do it: Nor can there be found a Reaſon of State for what they have done; but that thoſe wicked Miniſters deſigned to procure a Rebellion at any rate; which as they managed, was only prevented by the miraculous hand of* God, *or otherwiſe all the Papiſts in* England *would have been armed, and the faireſt opportunity given, in the juſt time for the execution of that wicked and*

bloody

bloody deſign the Papiſts had: and it is not poſſible for any man that duly conſiders it, to think other, but that thoſe Miniſters that acted that, were as guilty of the Plot as any of the Lords *that are now in queſtion for it.*

My Lords, I *am forced to ſpeak this the plainer, becauſe till the preſſure be fully and clearly taken off from* Scotland, *'tis not poſſible for me, or any thinking man to believe that good is meant us here. We muſt ſtill be upon our guard, apprehending that the Principle is not changed at Court, & that thoſe men that are ſtill in place and Authority, have that influence upon the mind of our excellent Prince, that he is not, nor cannot be that to us, that his own Nature and Goodneſs would incline him to.* I *know your* Lordſhips *can order nothing in this; but there are thoſe that hear me can put a perfect cure to it: until that be done, the Scottiſh Weed is like death in the pot,* Mors in Olla.

But

But there is ſomthing too, now I conſider, that moſt immediately concerns us, their Act of Twenty two thouſand men to be ready to invade us upon all occaſions. This I *hear, that the* Lords *of the Council there have treated as they do all other* Laws, *and expounded it into a ſtanding Army of Six Thouſand Men.* I *am ſure we have Reaſon and Right to beſeech the King that that Act may be better conſidered in the next Parliament there.* I *ſhall ſay no more for* Scotland *at this time,* I *am afraid your* Lordſhips *will think* I *have ſaid too much, having no concern there; but if a* French Noble-Man *ſhould come to dwell in my Houſe and Family,* I *ſhould think it concerned me to ask what he did in* France; *for if he were there a Felon, a Rogue, a Plunderer,* I *ſhould deſire him to live elſewhere; and* I *hope your* Lordſhips *will do the ſame thing for the Nation, if you find Cauſe.*

My

My Lords, *Give me leave to ſpeak two or three words concerning our other Siſter,* Ireland: *Thither I hear is ſent* Douglas's *Regiment, to ſecure us againſt the* French. *Beſides, I am credibly informed that the Papiſts have their Arms reſtor'd, and the Proteſtants are not many of them yet recovered from being the ſuſpected Party. The Sea-Towns as well as the* In-land, *are full of Papiſts: That Kingdom cannot long continue in the* Engliſh *hands, if ſome better care be not taken of it. This is in your Power, and there is nothing there but is under your* Laws. *Therefore* I *beg, that this Kingdom at leaſt, may be taken into conſideration, together with the State of* England; *for* I *am ſure there can be no ſafety here, if theſe Doors are not ſhut up and made ſure.*

Some few daies after this Speech the King was pleaſed to make a great Alteration in his Council, and

to

to appoint the Right Honourable *Anthony* Earl of *Shaftesbury*, Presidents thereof. About the 18th of *April* 1679. His Majesty was pleased to declare the Dissolution of the Late Privy Council, and for Constituting a New one; The Lords of the Council not to exceed Thirty, besides the Princes of the Blood which His Majesty may at any time call to the Board, being at Court; and the President and Secretary of *Scotland*, which are uncertain.

The Names of that most Honourable Council were,

His Highness Prince *Rupert*.
William Lord A. B. of *Canterbury*.
Heneage Lord *Finch*, L. Chancellor.
Anthony Earl of *Shaftesbury*, Lord President of the Council.
Arthur Earl of *Anglesey*, Lord Privy Seal.
Christopher Duke of *Albemarle*.
James Duke of *Monmouth*, Master of the Horse.

Henry

Henry Duke of *Newcaſtle.*
John Duke of *Lauderdale*, Principal Secretary of *Scotland.*
James Duke of *Ormond*, L. Steward of the Houſhold.
Charles Lord Marqueſs of *Wincheſter.*
Henry Earl of *Arlington*, L. Chamberlain of the Houſhold.
James Earl of *Salisbury.*
John Earl of *Bridgwater.*
Robert Earl of *Sunderland*, one of His Majeſties Principal Secretaries of State.
Arthur Earl of *Eſſex*, firſt L. Commiſſioner of the Treaſury.
James Earl of *Bath*, Groom of the Stable.
Thomas Lord Viſcount *Falconberg.*
George Lord Viſcount *Halliſax.*
John Lord Biſhop of *London.*
Daniel Lord *Roberts.*
Henry Lord *Hollis.*
William Lord *Ruſſel.*
William Lord *Cavendiſh.*
Henry Coventry, Eſq; one of His Majeſties Principal Secretaries of State.

Sir

Sir *Francis North* Knight, L. Chief Juſtice of the Common Pleas.
Sir *Henry Capell*, Knight of the *Bath*, firſt Commiſſioner of the Admiralty.
Sir *John Ernby* Knight, Chancellor of the *Exchequer*.
Sir *Thomas Chicheley* Knight, Maſter of the Ordnance.
Sir *William Temple* Baronet.
Edward Seymour Eſquire.
Henry Powle Eſquire.

This great Change put men upon various Diſcourſes and Apprehenſions ſuitable to their reſpective Diſpoſitions and Inclinations; but the moſt ſober both of the Parliament, and others, hoped now to ſee the Popiſh Plot wholly Eradicated, eſpecially conſidering the daily freſh Diſcoveries that were brought before the Council and Parliament; the laſt of which was of no long continuance, for about *June* 1679. this Parliament were diſſolved. And about

July

July there were Writs iſſued out for the ſummoning another Parliament. *Octob.* the 17th. 1679. A Parliament met at *Weſtminſter*, and were by a commiſſion directed to the Lord Chancellor, prorogued until *January* following. It is almoſt incredible how in this interval the Papiſts lifted up their Heads, braving the very face of Juſtice; for now they had got ſuch a caſt of Evidence, that would have accuſed Innocence itſelf: Now does *Dugdale* inform that he had been tampered with to deny his former Evidence. Sir *George Wakeman* finds the benefit of an *Ignoramus* Jury, without the Aſtoniſhment of *Thompſon* or the *Obſervator*, The Diabolical deſign of ruining the greateſt Proteſtants in *England*, by leaving a Pacquet of counterfeit Letters in Collonel *Manſel*'s Chamber in *Ax-Yard*; diſcovered by Mr. *Dangerfield*, beſides an account of a great ſumm of Money offered him by the Lady *Powis*, if he would murther

ther the Earl of *Shaftesbury*; againſt whom the rage of that bloody party was now ſo great, that they left no baſe and unwarrantable Action unatempred to rob him of his Life. Some were hired to ſtab or piſtol him, others to ſwear Treaſon againſt him, or any other courſe the Devil could ſuggeſt, ſo as he were but made away, on whoſe life they thought the ill ſucceſs of their Diabolical Machine depended.

Libels, containing the blackeſt Treaſons againſt His Majeſty, were forged in the names of the moſt eminent Proteſtant Peers and Grandees of the Nation, ſcarce any perſon of Integrity againſt the Roman ſuperſtitions, but would have been made a party to it: But whoever was omitted, my Lord *Shaftesbury* was ſure to be drawn in neck and ſhoulders, and to be duckt over head and ears in the Plot: Theſe were by their mercenary Agents ſecretly to be conveighed into the Houſes of the Proteſtants

tenants aforesaid; and then they wanted not a set of base and mean spirited Villains to swear it home upon them; persons of that profligate and contemptible disposition, that for a Mess of Pottage would not only forsake all claim to Honesty and Virtue, but prostitute their Souls to the lust and ambition of the worst of Men: But these were no new things to the brave and excellent, to be exposed by Trials of this Nature to the Rage of brutish and inhumane Wretches: A Heathen could long ago observe it:

Integer Vitæ, scelerisque purus,
Non eget Mauri jaculis, nec Arcu.

To what a pitch of Heroic Magnanimity must that Person needs be arriv'd that can buoy up his Soul against such foul Tempests, when the consideration of simple Innocence shall maintain a perpetual serenity within, amidst all the cloudy Fogs of Ad-

verſity; that can be as ſtedfaſtly loyal under the Frowns as the Favor of his Prince, and anſwers that witty character of ſuch a one, in *Hudibras:*

For Loyalty is ſtill the ſame,
Whether it win or loſe the Game;
True as a Dial to the Sun,
Although it be not ſhin'd upon.

Mr. *Dangerfield* gives a large account in his Narrative of two ſeveral times that he had attempted to kill the Earl of *Shaftesbury*, and that he had been inſtigated thereto by the popiſh Prieſts, and that the Lady *Powis* particularly had offer'd him Five Hundred pounds to perform it, whereof he received Twenty pounds in part, but that ſtill he had been providentially diſappointed of that barbarous enterpriſe.

One day Dame *Cellier* demanded of him whether he had diſpatched the aforeſaid Earl, and he replying that he could have no opportunity to come at him; *Give me the Pony-*

ard,

lord, says she, *you shall see what a Woman can do for the Catholick Cause:* And accordingly, by the Instigation of the Devil, and a hellish rage, which the Papists miscall a holy Zeal, she addressed her self to the Execution of that execrable Design. She makes a visit to the Earl, under pretence of paying her Thanks for Favours obtain'd through his means; but the consecrated Dagger still lurk'd under the skirt of her Gown, ready to have expresst her Gratitude by opening the Veins of this Protestant Peers Heart. He had no reason to be over fond of the conversation of such cattle, and therefore in short time she was dismist without having an opportunity of putting her philonious and trecherous design in execution.

Is then a loyal Innocence and protestant Integrity Armour of proof against Poisons, Pistols, and Ponyards? The Catholick Gallantry stops not here, but pursues this No-

ble Peer with Forgery of his Hand, and other their little black Artifices and Sham-plots. What baſe and villanous Arts the Papiſts uſed to deſtroy the Lord *Shaftesbury*, is not only evident by their many endeavours to have ſtabbed him, as hath been depoſed by divers perſons, to whom the Parliament as well as the Nation have given belief, but may be further confirmed by their intercepting Letters directed to his Lordſhip; and after they had (in a hand as near the Original as they could counterfeit) inſerted Treaſon in them, they were tranſmitted to ſuch as would certainly acquaint our Miniſters with it. In ſhort one ſtory of their miſchievous practice in this kind is this: There is a Gentleman who was a Commander of a Regiment of Horſe in the late Kings ſervice, and loſt all for his ſake, and his preſent Majeſties, writ to this Noble Peer about relieving him againſt the Gout, with which he uſeth be

afflicted;

afflicted: This Letter was intercepted, and (the perſon then living in the *French* King's Dominions) after adding to it an account, That the Writer was able to furniſh the Earl with Forty thouſand men from *France*, to oppoſe the D. of *York*'s Intereſt: It was then conveyed to ſome of the *French* King's Miniſters, who they ſuppoſed would ſend a Copy of it hither; but by a ſtrange providence the Original was returned into the Gentleman's own hands.

Decemb. 7. *The following Humble Addreſs and Advice of ſeveral of the Peers of this Realm, for the Sitting of the Parliament, was Preſented to His Majeſty at* Whitehall.

A Copy whereof follows.

Sir,

WE are here to caſt our ſelves at Your Majeſties Feet, being

ing Ten of the Peers of Your Realm of *England*, and in our own Names, & in the Names of ſeveral others of our Fellow-Peers, do humbly beg, That Your Majeſty would conſider the great Danger Your Royal Perſon is in; as alſo the Proteſtant Religion, and the Government of theſe Your Nations.

We humbly pray, That in a time when all theſe are ſo highly concerned, Your Majeſty will effectually uſe Your Great Council the Parliament.

Sir, Out of the deepeſt ſenſe of Duty and Loyalty to Your Majeſty, We offer it as our humble Advice and earneſt Petition, That the Parliament may Sit at the time appointed; and that Your Majeſty would be graciouſly pleaſed to give publick Notice and Aſſurance thereof, that the Minds of Your Majeſties Subjects may be ſettled, and their Fears removed.

This Addreſs was offered in the Names

Names, and by the Order of the Peers under-named, (*viz.*)

Kent,	*Chandos*,
Huntingdon,	*Grey*,
Bedford,	*Howard*,
Clare,	*Herbert*,
Stamford,	*Rockingham*,
Shaftesbury,	*Townshend*,
Say and *Seal*,	*Holles*,
Eure,	*Delamer*,
North & *Grey*,	

And was personally presented to His Majesty by four Earls, and five Barons, (*viz.*)

Huntingdon,	*North* & *Grey*,
Clare,	*Chandos*,
Stamford,	*Grey*,
Shaftesbury,	*Howard*,
	Herbert.

With whom the Earl of *Bedford* had personally joyn'd, but that by a sudden indisposition he was prevented.

It was delivered by the Earl of *Huntingdon*, in the name of the reſt of the ſubſcribed Lords. And they were introduced to His Majeſty by his Highneſs Prince *Rupert*.

His Majeſty was graciouſly pleaſed to return this anſwer:

That he would conſider of what they had offered, and could heartily wiſh that all other People were as ſollicitous for the Peace and Good of the Nation, as he would ever be.

But on the Twelfth His Majeſty, of his Princely Wiſdom, thought fit to prorogue the Parliament, from the 26 of *January*, until the 11th of *November* next enſuing.

Near this time this Noble Peer recovered out of a violent and dangerous fit of ſickneſs.

So endleſs were the deſigns and Conſpiracies of the Papiſts againſt this Noble Peer, that notwithſtanding they met with many diſappointments

ments in their Attempts, the Almighty Providence protecting his Innocence from their hellish Machinations, that now another Female Agent is discovered for Tampering with Mr. *Dugdale* to retract what he had sworn before King and Parliament, towards the detection of the damnable popish Plot, the sum of Two Thousand pounds was offered him, by one Mrs. *Price*, and divers great persons named by her to be security for the payment of it, in case he would sign such a Recantation, and affix the *Odium* of a Protestant or Presbyterian Plot on some of the Protestant Peers, and others of known Loyalty and Integrity to their Prince and Country; particularly on the Right Honourable the Earl of *Shaftesbury*. Of which barbarous design Mr. *Dugdale* (being at that time touched with some remorse at such a horrid Villany) gave his Lordship an account, which occasioned the miscarrying of that foul

and

and traitorous Enterprise. Nor were they wanting in their famous Method and Artifice, in calumniating and throwing dirt on the Reputation of this Noble Peer, which is a faculty they are very famous for; and on the account of which they may particularly value themselves; for now a Pacquet of base Libels, and Treasonable Reflections, were by the *Penny-Post* transmitted to a Printer, and Copies of the same dispersed about the parts of *Westminster*, full of venemous and malicious slanders, and Imputations, tending to the taking away the life of this Protestant Earl, and divers other Peers of Right Honourable Account: But the Printer detesting so black a design, published an Invitation to any person that would detect the Author, or publisher of that infamous Libel.

And now we are got into such a Bog of Plots, Sham-plots, Subornations and Perjuries, as the History of

of no Age can parallel. 'Twas the mode for discarded Varlets, Irish Skip-kennels, and indigent extravagants to be treated, and treating one another with no less than the Assurances of vast and mighty Fortunes, and Employments in places of Trust and Honour, on condition they would lustily swear the *Plot* upon the *Presbyterians*; but none of these cursed projects were ever proposed, but the Earl of *Shaftesbury* was principally (though with many other Noble Heroes) to be charged as the chiefest Agent in it.

To this purpose *David Fitz-Girald*, one of their notorious Evidences, endeavours both by Bribes and Threats, to draw divers others of his Countrey-men and Complices to join with him in the Catholick Design. They had been disappointed at the *Ponyard* and *Pistol*; nor could have opportunity to dispatch him that way: the remembrance of *Sir Edmund-Bury Godfreys* Cravat,

and

and the Aſſaſſination of Juſtice *Arnold*, were caution ſufficient to any diſcerning Proteſtant; and now that method had been ſo ſhamefully and notoriouſly detected, and caſt ſuch a juſt *Odium* upon their party, other means muſt be attempted: nothing ſo ſuitable to their Genius as an Oath; and it is no marvel if thoſe who can't ordinarily diſcourſe without diſcharging loud vollies of Blaſphemies and Execrations, the embelliſhment of whoſe common talk is the Rhetorick of their Oaths and Dam-me's: If ſuch (I ſay) ſhould at ſome time or other make their looſe Breath ſerve them to better purpoſe, and ſwear themſelves into Eſtates and Offices.

Fitz-Girald had ſtore of Guinnys, he chinks them luſtily, and ſhews them to Mr. *Hetherington*, beſides divers Five-pound-pieces of Gold, telling him this ſhould be done to the man that was loved; with divers other Invitations to come over and

transfer

transfer the popiſh Plot in *Ireland* on the Proteſtants. This was depoſed by Mr. *Hetherington* before the Lord Mayor of *London*.

In *January* before the meeting of the Parliament at *Oxford*, we find the Earl of *Shaftesburys* hand amongſt other Noble Peers, affixed to a Petition and Advice to His Majeſty, requeſting His Majeſty that the Parliament might ſit at *Weſtminſter*. And becauſe the aforeſaid Petition and Advice carries all through it ſuch unqueſtionable marks of a moſt tender Duty and Affection to His Majeſties perſon. It may not be improper here to inſert it, to obviate the evil ſurmiſes of ſome, who would ſtain the moſt loyal performances with imputations of a contrary nature.

At the delivery of the Petition and Advice, the Right Honourable the Earl of *Eſſex* is ſaid to have made the following Speech.

May

May it please Your Majesty,

THE *Lords here present, together with divers other Peers of the Realm, taking notice, that by your late Proclamation your Majesty hath declared an Intention of calling a Parliament at* Oxford; *and observing from Histories and Records, how unfortunate many such Assemblies have been, when called at a place remote from the capital City; as particularly the Congress in* Henry *the Seconds time at* Clarendon: *Three several Parliaments at* Oxford, *in* Henry *the Thirds time; and at* Coventry, *in* Henry *the Sixths time, with divers others, which have proved very fatal to those Kings, and have been followed with great mischief to the whole Kingdom: And considering the present posture of Affairs, the many Jealousies and Discontents which are among the People, we*

have

have great cauſe to apprehend that the conſequences of ſitting of a Parliament now at Oxford, *may be as fatal to your Majeſty and the Nation, as thoſe others mentioned have been to the then Reigning Kings; and therefore we do conceive that we cannot anſwer it to God, to your Majeſty, or to the People, if we, being Peers of the Realm, ſhould not on ſo important an occaſion, humbly offer our Advice to your Majeſty; that if poſſible, your Majeſty may be prevailed with, to alter this (as we apprehend) unſeaſonable Reſolution, The Grounds and Reaſons of our Opinion, are contained in this our Petition, which we humbly preſent to your Majeſty.*

To the Kings moſt excellent Majeſty.

The humble Petition and Advice of the Lords undernamed, Peers of the Realm.

Humbly ſheweth,

THat whereas your Majeſty hath been pleaſed by divers Speeches and Meſſages to your Houſes of Parliament, rightly to repreſent to them the dangers that threaten your Majeſties Perſon, and the whole Kingdom, from the miſchievous and wicked Plots of the Papiſts, and the ſudden growth of a foreign Power; unto which no ſtop or remedy could be provided, unleſs it were by Parliament, and an Union of your Majeſties Proteſtant Subjects, in one mind, and one Intereſt.

And the Lord Chancellour, in purſuance of your Majeſties commands, having more at large demonſtrated the

the ſaid dangers to be as great as we, in the midſt of our fears, could imagine them; and ſo preſſing, that our Liberties, Religion, Lives, and the whole Kingdom would certainly be loſt, if a ſpeedy proviſion was not made againſt them.

And your Majeſty on the 21ſt *of* April, 1679. *having called unto your Council many Honourable and Worthy Perſons, and declared to them, and to the whole Kingdom, That being ſenſible of the evil effects of a ſingle Miniſtry, or private Advice, or foreign Committee, for the general Direction of your Affairs, your Majeſty would for the future refer all things unto that Council, and by the conſtant Advice of them, together with the frequent uſe of your great Council the Parliament, your Majeſty was hereafter reſolved to govern the Kingdom: We began to hope we ſhould ſee an end of our Miſeries.*

But, to our unſpeakable grief and

ſorrow, we ſoon found our expectations fruſtrated; the Parliament then ſubſiſting was prorogued, and diſſolved, before it could perfect what was intended for our relief and ſecurity: And tho another was thereupon called, yet by many prorogations it was put off till the 21ſt *of* Octob. *paſt; and notwithſtanding your Majeſty was then again pleaſed to acknowledge, that neither your Perſon, nor your Kingdom could be ſafe, till the matter of the Plot was gone through: It was unexpectedly prorogued on the* 10th *of this Month, before any ſufficient Order could be taken therein: All their juſt and pious Endeavours to ſave the Nation were overthrown, the good Bills they had been induſtriouſly preparing to Unite your Majeſties Proteſtant Subjects brought to nought: The diſcovery of the Iriſh Plots ſtifled: The Witneſſes that came in frequently more fully to declare that, both of* England *and* Ireland *diſcouraged,*

raged. Thoſe foreign Kingdoms and States, who by a happy conjunction with us, might give a check to the French Powers, diſheartned, even to ſuch a deſpair of their own ſecurity againſt the growing greatneſs of that Monarch; as we fear may enduce them to take new Reſolutions, and perhaps ſuch as may be fatal to Us: the Strength and Courage of our Enemies, both at home and abroad, encreaſed, and our ſelves left in the utmoſt danger of ſeeing our Country brought into utter deſolation.

In theſe extremities we had nothing under God to comfort us, but the hopes that your Majeſty (being touched with the groans of your periſhing People) would have ſuffered your Parliament to meet at the day unto which it was prorogued, and that no further interruption ſhould have been given to their proceedings, in order to their ſaving of the Nation: But that failed us too; ſo then we heard that your Majeſty

had been prevailed with to diſſolve it, and to call another to meet at Oxford, *where neither Lords nor Commons can be in ſafety, but will be daily expoſed to the Swords of the Papiſts, and their Adherents, of whom too many are crept into your Majeſties Guards. The Liberty of ſpeaking according to their Conſciences will be thereby deſtroyed, and the validity of all their Acts and Proceedings (conſiſting in it) left diſputable. The ſtraitneſs of the place no way admits of ſuch a concourſe of perſons as now follows every Parliament: The Witneſſes which are neceſſary to give Evidence againſt the popiſh Lords; ſuch Judges, or others, whom the Commons have impeached, or had reſolved to impeach, can neither bear the charge of going thither, nor truſt themſelves under the protection of a Parliament, that is itſelf evidently under the power of Guards and Souldiers.*

The

The Premiſes conſidered, We your Majeſties Petitioners, out of a juſt abhorrence of ſuch a dangerous and pernicious Council, (which the Authors have not dared to avow) and the direful apprehenſions of the calamities, and miſeries that may enſue thereupon; do make it our moſt humble Prayer and Advice, that the Parliament may not ſit at a place where it will not be able to act with that freedom which is neceſſary; and eſpecially to give unto their Acts and Proceedings that Authority which they ought to have amongſt the people, and have ever had, unleſs impaired by ſome Awe upon them (of which there wants not precedents;) and that your Majeſty would be Graciouſly pleaſed to order it to

ſit at Weſtminſter, (*it being the uſual place, and where they may conſult with Safety and Freedom.*

And your Petitioners, &c.

Monmouth,	Shaftesbury,
Kent,	Mordant,
Huntingdon,	Ewers,
Bedford,	Paget,
Salisbury,	Grey,
Clare,	Herbert,
Stamford,	Howard,
Eſſex,	Delamer.

In *October*, during the Seſſion of the laſt Parliament, it is very remarkable, that *Franciſco de Faria*, Interpreter to the *Portugal* Ambaſſadour, amongſt other high matters relating to the popiſh Plot, gave it in his Information at the Bar of the Houſe; He declared that the ſaid Ambaſſador had tempted him to kill the Earl of *Shaftesbury*, by throwing

ing a Hand-Granado into his Coach, as he was paſſing the Rode into the Country.

And about the 20th of *Novemb.* one *Zeal* being called to the Bar of the Houſe, delivered his Information at the Bar, the purport whereof was this: That being a Priſoner in the *Marſhalſea*, Mrs. *Cellier* came divers times to him, and treated with him, not only to be Inſtrumental himſelf, but to procure others to Aſſiſt him to fire His Majeſties Ships as they lay in the Harbour; as alſo to ſwear againſt the E. of *Shaftesbury*, ſuch Artic'es of High Treaſon as ſhe ſhould get ready prepared for him, or to that purpoſe.

To ſum up the many various Methods and Waies that were deviſed, and put in execution to cut off the Life of this Noble Peer, would be Task enough to fill many Volumes. The Jeſuites (next to the Attempting His Majeſties Life) ſet all their Inventions and Engines on work, to

make away the Earl of *Shaftesbury*; he was the Beam in their Eye, the Clog that hindered the motion of their Curſt Deſigns. What have they not attempted that might render him diſtaſtful to the King? throwing the foulneſs of their own Treaſons upon him, as appears by the Depoſition of *Brian Haines* before the Council in *Octob.* 1681. That *David Fitz Girald* told the ſaid *Brian Haines*, that he the ſaid *Fitz Girald* poſſeſſed His *Majeſty*, and had given it under his hand and Seal, that the late Plot was a Presbyterian Plot, and Invented by the Right Honourable *Anthony* Earl of *Shaftesbury*, on purpoſe to Extirpate the Family of the *Stuarts*, and dethrone his preſent Majeſty, and turn *England* into a Common-wealth, or elſe ſet the Crown upon the Earls own Head; with more to this purpoſe, of which we ſhall have occaſion to make farther mention, when we come to the Tryal of the ſaid Earl; and ſhall there-

therefore now haſten to the Meeting of the Parliament at *Oxford*, where Buſineſs of as high nature was agitated, as ever came before the conſideration of a Parliament, no leſs than the preſervation of the King's Majeſty, the Proteſtant Religion, and the good people of *England*; all which were now, as much as ever Invaded by the Bloody Deſigns of the Papiſts.

This Parliament met the 21th of *March* 1681. in the Convocation-Houſe at *Oxford*. The Houſe of Lords Sate in the Geometry School, where was a Throne and State Erected for His Majeſty, in which His Majeſty being Seated in His Royal Robes, declared himſelf to both Houſes to the Effect following.

That the unwarrantable Proceedings of the laſt Houſe of Commons were the reaſon of his parting with them; for that he who would never uſe Arbitrary Government himſelf, would not ſuffer it in Others. That who-

whoever calmly considered the Assurances he had renewed to that last Parliament, and what he had Recommended to them; His Forein Alliances, the Examination of the Plot, and the Preservation of Tangier, *and reflect upon their unsuitable Returns, might rather wonder at his Patience, than that he grew weary of their Proceedings; that it was his Interest, and should be his Cause as much as Theirs, to Preserve the Liberty of the Subject, the Crown not being safe when that is in danger. That by Calling this Parliament so soon, he let them see, that no Irregularities of Parliament should make him out of love with them; by which means he gave them another opportunity to provide for the Publick Security, and had given one Evidence more that he had not neglected his part.*

That he hoped the ill Success of former Heats, would dispose them to a better Temper. That as for the further prosecution of the Plot, Trial of

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the Lords, &c. he omitted to preſs them, as being obvious to conſideration, and ſo neceſſary for the Publick Safety: But deſired them not to lay ſo much weight upon any One Expedient againſt Popery, as to determine that all other were ineffectual.

That what he had ſo often declared touching the Succeſſion, he ſhould not recede from. But that to remove all reaſonable fears that might ariſe touching the poſſibility of a Popiſh Succeſſor, if means could be found out that in ſuch a caſe the Adminiſtration ſhould remain in Proteſtant hands, he ſhould be ready to hearken to any ſuch Expedient by which Religion might be ſecured, and Monarchy not deſtroyed.

Laſtly, *He adviſed them to make the known and Eſtabliſht Laws of the Land, the Rule and Meaſure of their Votes.*

The 22th. the Commons having choſen their Speaker, preſented him to His Majeſty in the Lords Houſe.

Little

Little beſide was done until the 25, when the Houſe conſidered an Act for Repeal of the Act 35 *Eliz.* which had paſſed both Houſes in the laſt Parliament, but had not been tendered to His Majeſty for his Royal Aſſent. A conference was deſired with the Lords, as to matters relating to the conſtitution of Parliaments in paſſing of Bills.

Another Meſſage was ordered to be ſent to the Lords, to put them in mind, that the Commons had formerly by their Speaker demanded Judgment of High Treaſon at their Bar, againſt the Earl of *Danby*; and therefore to deſire their Lordſhips to appoint a day to give Judgment againſt him the ſaid Earl, upon the ſaid Impeachment.

The ſame day the Examination of *Edward Fitz-Harris*, relating to the popiſh Plot was read in the Houſe, upon which the ſaid Examination was ordered to be Printed, the ſaid *Fitz-Harris* to be impeached

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at the Lords Bar, and a Committee appointed to draw up Articles against him.

But the Houſe of Lords rejected the Impeachment of Mr. *Fitz-Harris*, whereby a ſtop was put to their proceedings. And on the 28th in the morning, the Commons were ſent for to the Houſe of Lords, where His Majeſty told them, That their Beginnings had been ſuch, that he could expect no good ſucceſs of this Parliament, and therefore His Majeſty thought fit to diſſolve them. And my Lord Chancellor having declared them diſſolved; His Majeſty came the ſame night to *White-Hall*.

I muſt beg the Readers pardon, if he think I have in this Relation deviated from my Theam, which was the Earl of *Shafton*; but nothing of a popiſh Plot hath been yet brought upon the ſtage, wherein he hath not been level'd at; he certainly knowing how deſtructive the Intereſt of

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the Papiſts is to the Government and People of *England*, hath ſet himſelf, to the hazard of his Life and Family to oppoſe them. The next thing that appeared on the Bookſellers ſtalls was a paper with this Title.

The Proteſtation of the Lords

Upon rejecting the Impeachment of Mr. *Fitz-Harris*, giving for Reaſons, why it was the undoubted Right of the Commons ſo to do; becauſe great Offences that influence the Parliament, were moſt effectually determined in Parliament, nor could the complaint be determined any where elſe: For that if the party ſhould be indicted in the *Kings-Bench*, or any other inferiour Court, for the ſame offence, yet it were not the ſame ſuit; an Impeachment being at the ſuit of the People, but an Indictment at the ſuit of the King. Beſides that, they conceived it to be a denial of Juſtice, in regard that the Houſe

Houſe of Peers as to Impeachments, proceeding by vertue of their Judicial, not their Legiſlative, Power, could not deny any ſuitor, but more eſpecially the Commons of *England*, no more than the Courts of *Weſtminſter*, or any other inferiour Courts, could legally deny any ſuit or criminal cauſe, regularly brought before them. Signed according to the Printed Copy by the following Peers.

Monmouth,	Maclefield,
Kent,	Mordant,
Huntingdon,	Wharton,
Bedford,	Paget,
Salisbury,	Grey *of* Wark,
Clare,	Herbert *of*
Stamford,	Cherbury,
Sunderland,	Cornwallis,
Eſſex,	Lovelace,
Shaftesbury,	Crew.

Finding the Earl of *Shaftesburys* Name, amongſt the other Noble Peers

Peers and Patriots; I thought it not improper to inſert the copy in this place, it being the laſt Act of that great Man upon the publick ſtage; For ſince that time he hath rather been paſſive, as will further appear by the remaining Diſcourſe: We ſhall only remember, that at his return from *Oxford* the Earl left a maſſy piece of Plate as a Gift to *Baliol* Colledg, as alſo did that Heroick Prince *James* Duke of *Monmouth*, which will be to poſterity a Teſtimony of their Magnificence and Bounty.

And now to return to what remains, for the finiſhing this Tragical ſtory, I ſhall mention only what is already printed, either in Captain *Wilkinſon*'s Information, *Colledg*'s Trial, or elſe is matter of Fact, or ſet forth in the Trial of this great Peer himſelf. Only I cannot omit that on the 15*th* of *Aug.* 1681. Mrs. *Fitz-Harris* gave a depoſition upon Oath, that her Husband a little before his Execution, not only told her

her what great offers he had made him if he would at firſt have charged that Infamous and Treaſonable Libel, for which he was after executed, on this worthy Peer, and the Lord *Howard*; but that he alſo adviſed her to do it as the only means to ſave his Life, though he proteſted at the ſame time that they were wholly innocent. She likewiſe depoſeth that a certain Gentleman, whoſe Name ſhall be forborn, aſſured her that ſhe ſhould have what ſumms of Money ſhe pleaſed, if ſhe would accuſe the Earl of *Shaftesbury*, and Lord *Howard*, as the Authors of the ſaid Libel: But they have tampered with ſo many on the account of this baffled Deſign, that it's impoſſible but their conſults ſhould take wind, eſpecially when we conſider they were a people, that either to ſupply their neceſſities, or feed their ambition, or more probably through an irreſiſtible Fatality, had blab'd and diſcovered the very *Arcana* of Holy

Mother, and had ſpoke ſo unſeaſonably juſt in her Tip, that they had ſpoiled her Game. What ſecurity could the Romiſh Sophiſters have, but that theſe crackt Veſſels would prove as leaky again, when under the force of a Temptation? But they had ſuch a Medly of Evidences, as is almoſt comical to conſider. There were the *Mac's* and the *Mounſieur's*, the Midwife, and the Prieſt, the skip-kennel, and the Newgate-Birds, the Juſtice, and the Bog-trotter, the Countes's and the Kitchin Wench. No diſcourſe was heard among them, But Captains places, Deanries, Rewards, Gratuities, Preferments, and as much Money as you will. They were advanced from Bonny-Clapper to Clarett, and Frontineack; from Torneps and Oat cakes, to Oyſters & Pheaſants; from Brogues and Bandle, to Velvet, and Cloath of Silver. They diſcourſed of his Majeſty as if they had been of his Council, and of his great Miniſters, as if they

had been their Confederates. But there hath been ſo much ſaid of theſe, upon Depoſitions taken before divers of the Magiſtrates of the Nation; that I ſhall take no farther notice of them before I proceed to Captain *Wilkinſon*'s Information; only inſert one paſſage of *David Fitz-Girald*, and it was given in upon Oath, by Mr. *E. E.* who hath approved his Loyalty to the King, upon many occaſions, and in divers difficult and tempting Inſtances, his Depoſition was, That *David Fitz-Girald* told him, he would ſwear Treaſon againſt the Earl of *Shaftesbury*, and procure others to do the like, and that if he would ſecond him in the ſaid Accuſation, he ſhould be highly conſidered. Such was the Impudence of this wretched man, not only to ſeek the Lives of the Innocent, and to reflect upon his ſuperiours, but to procure and ſuborn mercenary Souls to involve themſelves in the ſame curſed and Diabolical Deſigns.

Captain *Wilkinſon* was a Gentleman that had always eſpouſed the Royal Intereſt, and hazarded his Life and Fortune in the ſervice of his Prince; but having not had that ſucceſs that a brave and induſtrious man might expect, he applied himſelf to the Proprietors of *Carolina*, to obtain an Employment in that Country, and upon that ſcore had a promiſe of the Lord *Shaftesbury*, (in conſideration of his great ſufferings for His Majeſty) of a conſiderable and honourable Employment there; but was unfortunately made a Priſoner in the *Kings-Bench* for Debt, before he could enter upon that Employment; of which he gives a ſatisfactory account in his Information, a breviate of which take as follows from the Printed Narrative:

This perſon (being known to be under very ill Circumſtances, and in ſome meaſure acquainted with the Earl of *Shaftesbury*) they thought very proper to work over to their deſign,

design, for (could they have obtained it) his Evidence (having been a person of a standing credit) would have struck deeper than all the *Mac's* about the Town: Therefore on the 8th of *Octob.* 1681. one *Walter Bains* came to him at the *Kings-Bench* Prison, and after some insinuating discourse, told him, that he could not but know much of the Lord *Shaftesbury*'s Designs against the King; and that he might do well to discover it to him; that he had an Interest with the Lord *Hyde*, and had lately been with Mr. *Graham*, by which it seems the Captain apprehended what was the meaning of his kindness, but constantly asserted that he knew nothing of my Lord *Shaftesbury*'s Designs against His Majesty, but had cause to believe the said Earl loves his Majesty, for that he was always pleased to shew the Captain Respect upon account of his services to the King.

Mr. *Bains* continued his importu-

nities on the ſame Subject to the Captain, until near night, and then left him full of great aſſurance, and promiſes to ſee him in few daies; not much queſtioning the Captains knowledge of the Earls Deſign.

W. Narrat. On the 11th of the ſame month one *Booth* came to him upon the ſame deſign, and after much diſcourſe told the Captain, he had now an opportunity to do himſelf a greater kindneſs than ever, for he might have either 10000 *l.* or 500 *l. per Annum* ſettled on himſelf or his Heirs, if he would but diſcover what he knew of the Lord *Shaftesbury*, and his Deſign, in changing the Government to a Common-wealth, and witneſs againſt him: He further told him, now was the time to do ſomething that would advance him, for it muſt now be a King or a Common-wealth; much more was then urged to induce the Captain to it, to which he gave ſuch Anſwers as might encourage *Booth*

to go on with his Propoſals. In the mean time the Captain imparts this Affair to another perſon in the *King's-Bench*, and deſired him to put it in writing, (leſt he ſhould be tempted with what offers were made) that in ſuch caſe if he ſhould ever declare that he knew any thing of a Deſign againſt the King by the Lord *Shaftesbury*, that then this perſon ſhould witneſs the Truth againſt him, the ſaid Captain; and further, that the Captain would ſtill give the ſaid perſon a full account of all Negotiations about that Affair. Mr. *Booth* told him, he muſt appear at Court, and he ſhould have an aſſurance of a Reward from ſome perſons of Honour; the Captain told him, he would not truſt any Courtier he knew for a Groat.

W. Narrat. On the 12th of *Octob.* they were at the Captain again, and plied him with Wine and good words, to work upon him to come in a Witneſs againſt the L. *Shaftes-*

bury, telling him, he might be assured of what he desired from the E. of *H.* and the L. *H.* He told them, if they would give him 20000 Guinys towards his own, and his friends losses, by Injuries sustained, he would discover what he knew; but still said he knew nothing of any Design by my Lord *Shaftesbury*.

Much more was transacted in this matter, as is more at large set forth in the Captain's Information. But at length they came on the 15th day with a Warrant, which the Marshal shewed him, whereby he was compelled to go to *Whitehall*. In a short time after his coming thither, he was conducted to Mr. Secretary *Jenkins*'s Office, where was also my Lord *Conway*, who very fairly and honestly interrogated him concerning what he knew about my Lord *Shaftesbury*, and of any Design against His Majesty; he gave the same Answer to them as he had done to the former Attackers, that he knew nothing;

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great Arguments were uſed, but he could give no ſatisfactory Anſwer, as (he conceived) was expected. In a little time His Majeſty came into the Office, and was pleaſed to ſay to the Captain, that His Majeſty knew him well, that the Captain had ſerved his Father, and His Majeſty faithfully, and he hoped the Captain would not decline his Obedience. To which the Captain anſwered, that he never deſerved to be ſuſpected: His Majeſty was pleaſed further to tell him, he had not had the opportunity to ſerve his Friends, but hoped he might: His Majeſty was pleaſed to promiſe to conſider him for his ſufferings. Then after an excellent Exhortation, in which His Majeſty told him that the kindneſs was intended, was not with deſign to ſpeak a word but Truth it ſelf, and if he knew the Captain, or any other perſon did, he would never endure them: His Majeſty demanded what he knew of a Deſign againſt his Perſon

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and Government? he anſwered, he knew nothing of any Deſign againſt His Majeſties Perſon or Government; that he admired why one that had ſo faithfully ſerved His Majeſty, and Royal Father, both in *England*, and beyond Sea, and was ſo Inſtrumental to His Majeſties Reſtauration, ſhould be ſuſpected. But ſome perſons had poſſeſſed His *Ma*jeſty, that the Captain was deep in ſome Deſign againſt the Government, and knew much of my Lord *Shaftesbury*: At length after much preſſing, *His Ma*jeſty told him, if he would ſay, As he hoped to be ſaved, he knew nothing of any Deſign againſt his Perſon, that then *His Ma*jeſty would believe him; which the Captain having ſaid in the very words, *His Ma*jeſty ſeemed to be much ſurprized at it, and left him to the management of the Secrery, who uſed ſuch Arguments as he thought fit: At laſt the Captain declared that he knew his Duty to his Soveraign, and would never draw his

his Sword againſt him, but could freely do it againſt ſome of the Court, who were Enemies both to *His Majeſty* and his Friends. So he was taken into another Room, where were *His Majeſty*, Lord Chancellor, Lord *Hallifax*, Lord *Hide*, two Secretaries of State, and Lord Chief Juſtice *Pemberton*; Mr. *Graham*, *Booth*, and *Baines* were preſent. My Lord Chancellor would not believe but that he muſt be guilty of knowing great things againſt the Lord *Shaftesbury*; he told them, if he could not be believed on his word there, if they pleaſed to bring my Lord *Shaftesbury* to his Tryal, he ſhould declare in open Court upon his Oath, what his knowledge was, without any hopes of gain or Advancement; the Lord Chancellor wittily replied, there were two ſorts of Advancemenrs, and he was like to come to his own Tryal firſt, before the Lord *Shaftesbury*. My Lord Chancellor demanded, if he had no

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Commiſſion for this New Service againſt His Majeſty, to which the Captain anſwered, No. Then the Chancellor told him, he was to have a Troop to conſiſt of Fifty Men; the Capt. ſaid that was a ſmall Troop; he hoped, if ever he had Command of a Troop, it ſhould be a better than that: But the Captain deſired to know, who gave that Information. The Lord Chancellor told him, Mr. *Booth*, who was (by, and) Liſted under him. Captain *Wilkinſon* deſired *Booth* to tell him, whether he had given this Information upon Oath, *Booth* anſwered, Yes, and it was true. At all this the Captain was not concerned: ſo much doth glorious Innocence triumph over the Forgeries, and Impious Deſigns of Evil men, and out-braves them even in Death it ſelf.

That which is very obſervable in Captain *Wilkinſons* Information, is, That at that very time when *Booth* had ſworn he was to have command-

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ed a party of Horſe at *Oxford*, his whole Family, Wife, Children, and Servants, making about the number of 37 perſons, were all on Board his Ship, bound for *Carolina*, and all lying at his proper charge; but when he thought himſelf moſt in readineſs for his intended Voyage, he found himſelf ſtrangely entangled, that he could not ſtir, ſome Debts he was bound for for others, and more of his own fell upon him, and he was committed to the *Kings-Bench*, which put a ſtop to the deſigned Voyage; and he hath often ſince concluded there was a Divine hand in it.

I have thought it proper to inſert in this place the Teſtimony of Major *Jervas James*, whoſe Loyalty and Integrity to his Majeſty hath been ſufficiently known, having moſt faithfully, and as a true Subject, ſerved His Majeſty both beyond the Sea and at home, and declares is ſtill ready with all chearfulneſs (when his Maje-

Majeſty ſhall pleaſe to command him) to ſerve him to the laſt drop of his Blood. He acknowledgeth himſelf a Son of the Church of *England*, as is it by Law eſtabliſhed, and hath without ſcruple taken the Oaths of Allegiance, and Supremacy. He ſtiles the acquaintance he hath with ſo deſerving a perſon as Captain *Wilkinſon*, a great Happineſs, and acknowledgeth himſelf obliged to him for ſo timely entruſting him with ſo notable a ſecret, being a ſtranger to the ſaid Captain, which truſt Major *James* lookt upon as a great Adventure, and the Diſcovery to endanger the Lives both of the Earl of *Shaftesbury*, and Captain *Wilkinſon*. He likewiſe declares, before God and Man, that he believes all the Captains Information to contain nothing but the truth of what he had from *Booth*, *Bains*, and Mr. *Graham*: For he lent him the convenience of his Chamber to write the whole buſineſs, and ſaw him write it with his

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own Hand; as may alſo be witneſſed by Mr. *Robert Bennet*, who is an Officer in *Leaden-Hall-Market*, and tranſcribed it for the Captain. He hopes his Majeſty is, and will be, well ſatisfied, that thoſe who faithfully and truly ſerve His Majeſty, and his Subjects, are the perſons both to be believed, and relied upon, and deſires that this may have credit, according to its Truth and Reality, both in the heart of his Majeſty, and all his loyal Subjects.

The Information of *Jervas James*, Gentleman.

I Jervais James, *Gentleman, do declare, that the above named Captain* Henry Wilkinſon *came to me upon* Tueſday, *the* 11th *of* October 1681. *in the Evening, and did then, and likewiſe every day from time to time afterwards, make me acquainted with the ſeveral Treaties and Tranſ-*

Tranſactions between him the ſaid Captain Henry Wilkinſon, *and Mr.* Booth, *Mr.* Bains, *and Mr.* Graham, *and the ſeveral other Perſons in this his Information mentioned; and that they were the very ſame in ſubſtance with what he hath herein ſet forth & declared; for at his Requeſt, & for my own ſatisfaction, I kept a daily Journal during the time of their Treating. All which ſhall be atteſted upon Oath when required.*

This foremention'd Information was publiſhed by Captain *Henry Wilkinſon*, during the time of my Lord *Shaftesbury*'s confinement in the Tower, and was of very great uſe to ſatisfie all loyal and honeſt minded men, of the baſe and deteſtable practices of thoſe evil minded perſons, againſt his Life; and in how dreadful a condition would the Nation have been, if through the means of theſe, or ſuch like Witneſſes, the guilt of ſhedding Innocent Blood

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ſhould have been drawn upon us; & where would the rage of the Papiſts have ended, had they ſucceeded in this their horrid attempt?

About the 29th of *July*, 1681. the Right Honourable *Anthony* Earl of *Shaftesbury* was apprehended at his own Houſe by a Serjeant at Arms, and carried before the King and Council, and after ſome Examination he was committed to the *Tower*, upon a charge of High Treaſon; the Right Honourable the Lord *Howard* having been committed before, upon an Information that he had aſſiſted in contriving Mr. *Fitz-Harris*'s Libel, and *Stephen Colledg*, and Mr. *Rouſe* having likewiſe been committed about the 25th of the ſame Month. It is ſaid, that ſome days after his Lordſhips commitment, that as he was taking the Air in the Tower, meeting accidentally with one of the popiſh Lords, he was asked by him, what his Lordſhip did there, and that they little

thought to have had his good company; to which the E. of *Shaftesbury* replied, that he had lately been very ill of an Ague, and was come there to take some *Jesuits* Powder. It was said, that during the whole time of his Lordships confinement in the Tower, he appeared to be very chearful, and that many times he assumed a Courage and Vivacity, beyond what could have been expected, from a person labouring under such violent pains and diseases, as is well known his Lordship is frequently troubled withal.

And now that we may not omit to you with what other Methods and Designs they endeavoured to fasten the black & Hellish figure of a Traitor on this loyal Peer, it will not be improper to take notice of a passage in the Trial of Mr. *Fitz-Harris*, where Mr. *Everard* upon Oath affirms, that Mr. *Fitz-Harris* had told him; that horrid Libel was to have been fathered upon the Protestant Non-

Nonconformiſts, and when Collonel *Manſel* had depoſed, that Sir *William Waller* had ſaid the deſign of *Fitz-Harris*'s Libel, was againſt the Proteſtant Party, Mr. Attorney General replied, we believe it, *The Proteſtant Party.* And how far this Peer was to have been concerned in that, will further appear, if we take in what Sir *William Waller* affirmed at the ſaid Trial, that Mr. *Fitz-Harris* had told him, there were two Parliament Men which frequented my Lord *Shaftesbury*'s, whom his Lordſhip did not ſuſpect, that came and ſounded him, and then returned to the French Ambaſſadour, and acquainted him with all they could diſcover.

On *Thurſday* the 24th of *Novem.* 1681. the great Affair for which the Lord *Shaftesbury* was committed to the Tower, was tried at the Seſſions Houſe at the *Old Bayly*: It may be excuſable if we be the more particular and large in this matter, and in-

ſert ſo much of the ſaid Trial as may be needful to ſatisfie the World of the fairneſs and equity of the Proceedings of the Kings Court in that Affair; and we ſhall be ſomwhat the larger, becauſe all perſons, into whoſe hands this Book may come, may not have ſeen what was printed of that Trial. The Grand Jury that were to make enquiry both in behalf of the King and the Earl, were perſons of unſtained Loyalty and Integrity, and perſons ſo conſiderable for their Eſtates and Fortunes, that ſuch a Jury hath ſeldom been empanelled upon the like occaſion: The Names of the Grand Jury were as followeth:

Sir *Samuel Barnardiſton*,
John Morden,
Thomas Papillion,
John Dubois,
Charles Hearle,
Edward Rudge,
Humphrey Edwin.

John

John Morrice,
Edmund Harriſon,
Joſeph Wright,
John Cox,
Thomas Parker,
Leonard Robinſon,
Thomas Shepheard,
John Flavel,
Michael Godfrey,
Joſeph Richardſon,
William Empſon,
Andrew Kendrick,
John Lane,
John Hall.

The Oath.

You ſhall diligently enquire, and true preſentment make, of all ſuch Matters, Articles, and Things, as ſhall be given you in charge, as of all other Matters, and Things as ſhall come to your own Knowledge, touching this preſent ſervice; The Kings Council, your Fellows Council, and your own, you ſhall keep ſecret; you ſhall preſent no perſon for Hatred or

Malice, neither ſhall you leave any one unpreſented, for Fear, Favour, or Affection, for Lucre, or Gain, or any hopes thereof, but in all things You ſhall preſent the Truth, the whole Truth, and nothing but the Truth, to the beſt of your knowledg. So help you God.

My Lord Chief-Juſtice gave a large and learned charge to the Jury, wherein he firſt opened to them the Nature of their Commiſſion, and the extent of it, which reached to all Offences whatſoever againſt the Law of the Land, as Treaſons, Miſpriſions of Treaſons, *&c.* He told them, he would at preſent acquaint them with the nature of thoſe Bills they were then like to be troubled with, and their Duty concerning that Enquiry; He told them they were matters of High-Treaſon, a crime of the greateſt and higheſt nature that could be committed againſt man; other crimes, as Fellonies,

nies, Riots, Treſpaſſes, and things of that nature, might occaſion diſorders and troubles, in a State or Kingdom; but he told them Treaſon ſtruck at the Root and Life of all. It tended to deſtroy the very Government, King, and Subjects, and the Lives, Intereſt, and Liberties of all; and therefore has been always looked upon as a crime of the moſt notorious nature that can be whatſoever, and accordingly Puniſhments have been appointed for it, of the higheſt and ſevereſt extremity. He told them our Anceſtors thought it Wiſdom to enact and declare what ſhould be accounted Treaſon, and enumerated ſeveral Acts of that nature; at length he came to an Act made the 13. of this preſent King: 'That 'if any one ſhould compaſs, ima-'gine, or intend the Death of the 'King, or his Deſtruction, or any 'bodily harm that ſhould tend to 'his Death or Deſtruction, or any 'maiming or wounding his Perſon,

'any Reſtraint of his Liberty, or 'any Impriſonment of him; or if 'any ſhould deſign, or intend to 'Levy any War againſt him, either 'within the Kingdom, or without; 'or ſhou'd deſign, intend, endeavour, 'or procure any Forein Prince to 'Invade theſe his Dominions, or any 'other of the King's Dominions, and 'ſhould ſignifie, or declare this by 'any Writing, or by any Preaching, 'or Printing, or by any adviſed, ma-'licious ſpeaking, or words; this ſhall 'be High Treaſon.

He told them the Intention of Levying War, was not Treaſon, before this Act, unleſs it had taken Effect, and War had been actually Levyed; and then as to the Deſigning and Compaſſing the King's Death, that was not Treaſon, unleſs it was declared by an Overt Act: As to the Impriſoning, or Reſtraining the Liberty of the King, they of themſelves were not High Treaſon; but now by this Law they were made ſo, during

His

His Majeſties Life; and the very deſigning of them, whether it take Effect, or no, though it be prevented (before any Overt Act) by the timely Prudence of the King, and his Officers, though it ſhould be timely prevented, that there is no hurt done; yet the very Deſign, if it be but uttered, and ſpoken, and any waies ſignified by any Diſcourſe, that this was made Treaſon by this Act. Formerly it was ſaid, and ſaid truly, That words alone were not Treaſon, but that ſince this Act words that import any Malicious Deſign againſt the King's Life, or Government, any Traiterous Intention in the Party, ſuch words are Treaſon now within this Act.

Then as to the Indictments that were to be brought before them, he adviſed them to conſider, 1. Whether the matter contained in them, and which were to be given in Evidence, were matter of Treaſon within the former, or the latter Act of Par-

Parliament: and if they doubted, they were to enquire of the Court, and they ſhould be directed as to matter of Law. And they were to examine whether the matters Evidenced to them were Teſtified by two Witneſſes, for without two Witneſſes, no man could be Impeached within thoſe Laws: If one man ſhould ſwear to words that imported any Traiterous Deſign or Intention, ſpoken at one time, and in one place, and another Teſtifie to Traiterous words ſpoken at another time, and another place; that theſe were two good Witneſſes, which had been ſolemnly reſolved by all the Judges of *England* upon a ſolemn occaſion.

2. That they were to enquire, whether upon what Evidence ſhould be given them, there ſhould be any reaſon or ground for the King to call the perſons to account; if there were probable ground, it was as much as they were to enquire into.

He

He urged pretty much to this purpoſe, and then told them Compaſſion or Pity was neither their Province, nor his; that there was no room for that in Enquiries of ſuch a nature, that it was reſerved to a Higher and Superiour Power, from whence theirs was derived: Therefore he required them to conſider ſuch Evidence as ſhould be given them; and prayed God to direct them in their Enquiry, that Juſtice might take place.

Then a Bill of High Treaſon was offer'd againſt the E. of *Shaftesbury*, and Sir *Francis Withens* moved, that the Evidence might be heard in Court.

Then the Lord Chief Juſtice told the Jury that the King's Council deſired (and they could not deny it) that the Evidence might be publickly given, and prayed them to take their places, and hear the Evidence that ſhould be given.

The Jury deſired a Copy of their Oath,

Oath, which the Court granted, and then withdrew, after ſome time they returned, and then the Clerk called them by their Names. Then the Foreman gave the L. C. J. an account, that it was the Opinion of the Jury, that they ought to Examine the Witneſſes in private; and it hath been the conſtant practice of our Predeceſſors to do it; and they inſiſted upon it as their Right to Examine in private, becauſe they were bound to keep the K's Secrets, which could not be done, if the Examination were in Court. Whereupon the L.C.J. told 'em, that perhaps ſome late uſage had brought them into that Errour, that it was their Right, that the Witneſſes were alwaies ſworn in Court, and ſurely (he ſaid) Evidence was alwaies given in Court formerly: That it was for their advantage, as well as the King's, that nothing might be done clandeſtinly; that by their keeping Counſel, was meant keeping ſecret their own private Debates.

To

To which the Foreman replied, That he begg'd his Lordſhips pardon, if he were in a miſtake: The Jury apprehend they were bound by the very words of their Oath, to Examine in private; for it ſays, They ſhall keep the King's Secrets, and their own Counſels; That there could be no Secret in publick. Then Mr. *Papillion* ſpoke to this purpoſe, That they had heard, that what had been the Cuſtom of *England*, had been the Law of *England*; and if it had been the Antient Uſage and Cuſtom of *England*, that had never been altered from time to time. Divers other Arguments were uſed on both ſides; but at laſt the Court denied a private Examination; then the Foreman told the Court, that the Jury deſired it might be Recorded, that they had inſiſted upon it as their Right, but if the Court overruled it, they muſt ſubmit. This was likewiſe refuſed by the Court. Then Sheriff *Pilkington* deſired that the

the Witneſſes might be put out of Court, and called in one by one, but he was refuſed it, and told it was not his Duty. And Mr. Attorney General ſaid, he appeared againſt the King. However, it was afterward granted to the Jury. Then was Read the Indictment againſt *Anthony* Earl of *Shaftesbury*, for High Treaſon againſt His Majeſty, which being too long here to inſert, we are forced to omit.

The Jury deſired a Liſt of the Witneſſes Names, but they were told, they would have them Endorſed on the back of the Indictment, when that was delivered to them. Then the Foreman acquainted the Court, that the Jury deſired a Copy of the Warrant, by which the Earl of *Shaftesbury* was Committed, becauſe there might ſeveral Queſtions depend upon it: But my Lord Chief Juſtice anſwered, That was not in the power of the Court to grant, for that it was in the hands of the Lieu-

tenant

renant of the *Tower*, which he kept for his Indemnity, and they could not demand it of him upon any terms. Then Mr. *Papillion* moved that they might hear what the Witneſſes had to give in Evidence, one by one, and that after the Jury might withdraw, to conſider what proper Queſtions to ask them, and after might come down again, which the Court granted. Then all the Witneſſes were ordered to go out of the Court, and to be called in one by one.

This done *Will. Blithwayt* Eſq; was produced, and a Paper delivered in. Mr. *Blithwayt* gave account, that that Paper was put into his hands by Mr. *Gwin*, Clerk of the Council, who had ſeized it amongſt others in my Lord *Shaftesbury*'s houſe; and that he had took that, and others out of a Velvet Bagg, which Mr. *Gwin* had lockt up in the great Trunk. Then Mr. *Gwin* teſtified that he had the great Hair

Trunk

Trunk in my Lord *Shaftesbury*'s houſe, when he was ſent there to ſearch for Papers, by Order of the Council the ſecond of *July*; my Lord, as ſoon as he came there, delivered him the Keys, and ſaid, He would ſeal them up with his own Seal; but afterwards ſent Mr. *Gwin* word, if he pleaſed, he might put his own Seal; that he had taken a note how he had parted ſeveral parcels of Papers, that there were ſeveral ſorts of them in the great Hair Trunk; and there was a Velvet Bag, into which he had put ſome Papers that were looſe in my Lord's Cloſet above Stairs; that he had put his Seal upon the Trunk, and being ſent another way, had put it into the Cuſtody of Mr. *Blithwait*. The Lord Chief Juſtice asked Mr. *Gwin* whether all the Papers in the Velvet Bag were in my L. *Shaftesbury*'s Cloſet, and whether there was nothing in that Bag, but what he had taken in my Lord *Shaftesbury*'s Cloſet?

Closet? to which Mr. *Gwin* replied, that there was nothing.

Mr. Secretary *Jenkins* witnessed that that was the Paper he had of Mr. *Blithwayt*. Some things I am forced for brevity to omit. My Lord Chief Justice said, Now it appears this was the Paper taken in my Lord *Shaftesbury's* Closet. And the Paper was Read, which contained the words of that commonly called *The Form of an Association*. When it had been Read, Sir *Fran. Withins* said, This Paper was very plausibly penn'd in the beginning, and runs a great way so; but in the last clause but one, there they come to perfect Levying of War; for they do positively say, They will obey such Officers, as either the Parliament, or the major part of them; or after the Parliament is Dissolved, the major part of them that shall subscribe this Paper shall appoint.

The Foreman of the Jury enquired, what Date that Paper was of.

and whether there were any hand to it; to which Sir *Francis* answered, that it was after the Bill for Excluſion of the Duke of *York*; for it ſays, that way failing, they would do it by force; as to the having a name to it, Sir *Francis* ſaid, there was none at all. The reſt of the Evidence were,

John Booth,
John Macknamara,
Edward Turbervill,
Dennis Macknamara,
John Smith,
Edward Joye,
Bryan Haynes,
Bernard Dennis.

Booth depoſeth, That in *January* laſt he was introduced into my Lord *Shaftesbury*'s acquaintance by Captain *Henry Wilkinſon*, in order to get a Commiſſion, and Plantation in *Carolina*; That the firſt time he went to my Lord, there was my *L. Craven*, and Sir *Peter Colliton*, who are of the Proprietors of that Collony; that after this acquaintance, he had been there between *Chriſtmas* and *March*, four or five times,

times, and that he found great difficulty in his Acceſſion to his Lordſhip, who was cautious of what company were admitted to him; that the ſaid Earl uſed to inveigh ſharply againſt the Times, and look upon himſelf as not ſo valued, nor reſpected, nor in thoſe Places and Dignities as he expected, & ſeemed diſcontented. Particularly, that the Earl of *Shaftesbury* ſhould ſay, that the Parliament would never grant the King Money, nor ſatisfie him in thoſe things that he deſired, unleſs he firſt gave the People ſatisfaction in thoſe things that they inſiſted on before; and particularly the Bill of Excluding the Duke of *York* from the Crown. Another was the Aboliſhing the Statute of the 35th of *Elizabeth*. The third was giving his Royal Aſſent for the paſſing a New Bill, whereby all the Diſſenting Proteſtants ſhould be freed from thoſe Penalties and Eccleſiaſtical Puniſhments, that they are ſubject

to, by the preſent Eſtabliſh'd Law. That he had Eſtabliſhed fifty Gentlemen, perſons of Quality, that he believed would have men along with them, that they were to come to *Oxford* at ſuch a time; that if there were any Violence offered to any of the Members by the King's Guards, or the Retinue of the Court, that then theſe men, with others that other Lords had appointed, ſhould repel his force, by greater force, and ſhould purge the Guards of all the Papiſts and Tories; that Captain *Wilkinſon* was Intruſted with the Command of theſe men; and that theſe men ſhould be ready to Aſſiſt himſelf, and thoſe of his Confederacy, to purge from the King thoſe Evil Councillors that were about him: That particularly there were named, the Earl of *Worceſter*, Lord *Clarendon*, Lord *Halifax*, Lord *Feverſham*, Lord *Hide*, which perſons were lookt upon to be dangerous, and gave the King

Evil

Evil Advice: That thoſe Lords ſhould by Violence be taken from the King, and the King brought to *London*, where thoſe things ſhould be Eſtabliſht which they deſigned for their Safety in thoſe two Reſpects, for the preſerving the Proteſtant Religion, and likewiſe for the defending and keeping us ſafe from Arbitrary Power and Government: And likewiſe, that the ſaid *Booth* had provided Arms, and a good Stone-Horſe for himſelf, and Arms for his Man, before the Parliament Sate at *Oxford*. That the *Thurſday* before the Parliament was Diſſolved, Captain *Wilkinſon* told him, he expected that very week to be called up to *Oxford*, with thoſe men that were Liſted with him; but *Saturday* bringing News of the Diſſolution of the Parliament, it had no further Effects. This was the moſt material of what *Booth* ſaid; for being ſtraitned in Room, I am forced to render it as ſhort as I can.

Turbervil declared, That about the beginning of *February*, waiting on my *Lord Shaftesbury*, to have his advice how he might come by ſome Monies, and to gain his *Lord*ſhips *Letter* in his behalf to the Preſident of the Council; the Earl ſhould ſay, there was little good to be expected from the King as long as his Guards were about him; that his *Lord*ſhip ſhould ſay the Rabble about *Wapping*, and *Alderſgate* were of that ſide; that the rich men of the City would vote for Elections, but it could hardly be expected they ſhould ſtand by them in caſe of a diſturbance; for they valued their Riches more than their Cauſe; and that at *Oxford* he had heard the Earl ſay, he wondred the People of *England* ſhould ſtickle ſo about Religion, if he were to chuſe a Religion, he would have one ſhould comply with what was apt to carry on their Cauſe.

Smith ſaid, that one time being ſent

ſent for by my Lord *Shaftesbury*, by one Captain *Manly*, his Lordſhip ſhould tell him, that Mr. *Hetherington* had told him, he was afraid the Iriſh Witneſſes would go over to the Court Party, and retract what they had ſaid formerly, that he adviſed him to perſuade them not to go near that Rogue *Fitz-Girald*, that great Villain, that is pampered up and maintain'd by the King and the Court party, to ſtifle the Plot in *Ireland*, and that the Earl had further ſaid, That if the King were not as well ſatisfied with the coming in of Popery, as ever the Duke of *York* was, do you think the Duke of *York* would be ſo much concerned for the bringing in of Popery as he is? That a little before my Lord went to *Oxford*, he ſhould tell the ſaid *Smith*, there were great preparations made, and a great many gathered together upon the Rode between *London* and *Oxford*, and *Smith* asking his Lordſhip what it might

mean, my Lord ſhould anſwer, that it was only to terrifie the Parliament to comply with the Kings deſire, which he was ſure the Parliament would never do: That they were now more reſolute than ever: That they clearly ſaw the Kings aim was to bring in Popery: That they had the Nation for them, and might lawfully oppoſe him, and he would meet with very ſtrong oppoſition; for that all that came out of the Country ſhould be well Hors'd, and armed, and ſo they ſhould all be: That the City had reſolved to bear the charge of their Members, and ſend ſo many men to wait on them; and that he would be hang'd before he would ever bring in Popery, or any thing of that nature.

Bryan Hains depoſed, that among other Diſcourſe with the L. *Shaftesbury*, the ſaid Earl told him, that the Duke of *Bucks*'s Mother was deſcended of the Family of the *Plantagenets*, naming ſome of the *Edwards*,

and

and that in her Right he ſhould have the Barony of *Roſs*, and in her Right had as good a Title to the Crown of *England* as ever any *Stewart* had.

John Macknamara depoſed, That a little after the Parliament had been diſſolved at *Oxford*, the Earl of *Shaftesbury* ſaid to him, That the King was Popiſhly affected, that he took the ſame methods that his Father before him took, which brought his Head to the block, and ſaid, *We will alſo bring his thither*; and that the Earl had ſaid the King deſerved to be depoſed as much as ever King *Richard* the ſecond did.

Denis Mcnamara declared, that my Lord *Shaftesbury* had ſaid, The King was a man that ought not to be believed, and that he ought to be depoſed as well as *Richard* the ſecond, that the Dutcheſs of *Mazarine* was one of his Cabinet Council, that he did nothing but by her Advice.

Edward Ivey ſaid, that the Earl of

of *Shafton* ſoon after the Parliament was diſſolved at *Oxford*, ſpeaking againſt the King, ſaid he was an unjuſt man, and unfit to reign, that he was a Papiſt in his heart, and would introduce Popery: That another time he heard him exclaim againſt the King, and that they deſigned to depoſe him, and ſet another in his ſtead.

Bernard Dennis depoſed, that amongſt divers other things the Lord *Shaftesbury* had told him, that they intended to have *England* under a Common-Wealth, and no Crown, to have no ſupream head, particular Man, or King, nor owe Obedience to a Crown.

Lord Chief Juſtice told the Jury, they intended to call no more Witneſſes againſt the Earl of *Shaftesbury*, the Jury being charged only with that.

Mr. *Papillion* deſired to know what Statute the Indictment was grounded upon; my Lord Chief Juſtice ſaid it was

was *contra formam Statut'*, which might be underſtood *Statutorum*, or *Statuti*, ſo they might go upon all Statutes that might be the form o that Indictment. The Jury deſired to know whether any of the Witneſſes ſtood indicted or no. To which the Lord Chief Juſtice anſwered, they were not properly here to examine the credibility of the Witneſſes; for that would be a matter upon a Tryal before a Petty Jury, where the King would be heard to defend the credibility of his Witneſſes, if any thing were objected againſt them: That they were to ſee whether the Statute were ſatisfied, in having matter that was Treaſonable, and witneſſed by Two Men, who are intended *prima facie* credible, unleſs of their own Knowledg they knew any thing to the contrary.

Mr. *Papillion* prayed his Lordſhips Opinion, whether his Lordſhip thought they were within the

compaſs

compaſs of their own Underſtandings and Conſciences, to give Judgment; for if they were not left to conſider the credibility of the Witneſſes, they could not ſatisfie their Conſciences. To which the Lord Chief Juſtice replied, that they ought to go according to the Evidence, unleſs there were any thing to their own knowledg, and that if they expected to enter into proofs concerning the credit of the Witneſſes, it were impoſſible to do Juſtice at that rate. The Jury withdrew, and the Court adjourned till Three a Clock. When met the Jury put many queſtions to the Witneſſes, of which (for brevity) I can but take notice of ſome.

Mr. *Gwin* was asked by the Foreman, whoſe writing the Paper was, to which he anſwered he could not tell: whether it was in the Cloſet before he came there; he ſaid it was certainly in the cloſet, for there he found it, he knew not the particu-

lar

lar Paper, but all the Papers in the bag were there.

They asked whether he knew not of a Diſcourſe of an Aſſociation in Parliament. He ſaid he was not of the laſt Parliament, but had heard an Aſſociation talked of. Then the Foreman asked Mr. Secretary *Jenkins* whether he knew not of a Debate in Parliament concerning an Aſſociation, whether he remembred not that it was read upon occaſion of the Bill: The Secretary anſwered, that he was not preſent at the Debate; that there was an anſwer to a Meſſage from the Houſe of Commons, had ſomthing in it which did ſtrongly imply ſomthing of an Aſſociation; that he heard ſuch a thing ſpoke of, but was not preſent at the Reading. Being asked the date of the Warrant for my Lord *Shaftesbury*'s commitment, he muſt (he ſaid) refer himſelf to the Warrant; that he thought it was about the beginning of *July*. Being asked whether all

all the Witneſſes had been examined before the Committee, he anſwered, they were, and he was preſent at the Examination. Being asked again whether all, he ſaid he knew not whether all; but he was ſure he was at the Examination of ſeveral, but could not tell how many.

Then the Jury examined the reſt of the Witneſſes, one by one, *Booth* being asked whether he had eaſie admittance into my Lords company, ſaid, he ever went with Capt. *Wilkinſon*, and had eaſie admittance; whether Captain *Wilkinſon* were with him every time, he ſaid, no, not every time, not this time; to divers other queſtions he anſwered; That he had been in Orders; that he had not been indicted for Fellony; that he did not directly know any one man of the Fifty beſide himſelf; that he never was with my Lord but at his own Houſe; that he was never deſired to be a Witneſs againſt my Lord, until he

he had intimated ſomething of it, till he was told of *Brownrigg* the *Yorkſhire* Attorney, concerning ſomwhat my *Lord* had ſaid to *Iriſh* men, he then ſaid he was ſure there was ſomthing as to that purpoſe to *Engliſh* men; that he thought he had no Commiſſion to offer him a Reward; that he was not acquainted with *Callaghan*, nor *Downing*; never heard their names, nor was in their company, that he knew of; that he knew not one Mr. *Shelden*, nor Mr. *Marriot*, only had heard of one *Marriot* that belong'd to the D. of *Norfolk*, but never was in his company, nor diſcourſed with from him, but had heard from *Baines*, about *Brownrigg*, about *Iriſh* Witneſſes. Mr. *Godfrey* asked whether he had never heard of *Iriſh* Witneſſes ſent down by Mr. *Marriot* to the Iſle of *Ely*: Then the L.Ch.Juſt. ſaid, We have given you all the Liberty in the World, hoping you would ask pertinent queſtions, but theſe are trifles;

trifles; he did not expect that any wiſe men would have asked ſuch queſtions: Then he asked of Mr. *Godfrey* what it was to the purpoſe, whether Mr. *Mirriot* ſent any *Iriſh* Witneſſes to his Tennant, or no. To which the Foreman told his Lordſhip, that he had it under the hand of the Clerk of the Council. Mr. *Turbervil* anſwered to ſeveral queſtions, that he had the Diſcourſe with my Ld. *Shaftesbury* about the beginning of *February*, and about *July* 4. communicated it to Mr. Secretary *Jenkins*. The Foreman then asking whether he had met with no body about the beginning of *July*, after my Lords Commitment, and when he was challenged, and told he was to be a Witneſs againſt him, whether he did not then ſay, as he was alive he knew no ſuch thing?

Mr. Attor. Gen. told my Lord, this was not to be allowed, this was private Inſtruction, which the Jury was not to take. The Foreman replied,

no

no, it was no private Inſtruction, but asked *Turbervill*, whether he had not ſpoke ſuch words to Mr. *Herbert*. Then the L. C. J. asked whether they had any Information touching that to Mr. *Herbert*; the Foreman ſaid, he had, a long time ago, that the perſon told him ſo, ſet down the day, and was very angry with *Turbervill* for it. The L. C. J. told them, that diſcourſes taken up at random, at Coffee-houſes, were not fit to be brought in, when Treaſon was in queſtion againſt the King's Life; that it was not ground to cavil at perſons, becauſe they heard ſuch diſcourſe at a Coffee-houſe.

The Foreman ſaid, he never was in a Coffee-houſe with Mr. *Herbert* in his life, but had the diſcourſe of him ſome months ago. The L. C. J. asked whether they thought that ground enough againſt the Witneſs; Mr. *Papillion* replied, they only asked the queſtion, whether he had not contradicted, or ſaid the contrary to any body. *Turbervill* ſaid, he did not remember he had ſaid any thing to Mr. *Herbert* in his life, and that at that time he was diſcarded by all perſons of my Lord's Intereſt; and if he would then have given under his hand, that he knew nothing againſt him, he believed he might have been in their favour as before. He was asked, whether he was not one of them that petitioned the Common Council, and declared that he was tempted to witneſs againſt his Conſcience; *Turbervill* ſaid he did, but that he believed he

never read the Petition, but was drawn to it by the order of Mr. *Colledge*, by a Scriviner about *Guild-Hall*. That his deſign in it was, that the City ſhould take care of him; that he was not very poor, nor over full of money; ſome Members of the Houſe of Commons had told them, that the City ſhould advance money for the ſupport of the Witneſſes, and that they were to Petition that they would anſwer the deſign of the Parliament; being asked what Members they were, he ſaid, it was a Member of the Houſe of Commons that told him ſo; he would aſſure them, he ſaid what he ſpoke, was voluntarily, & that he knew nothing more than what he had here declared; he ſuppoſed his Depoſition was given in after the Commitment of my L. *Shaftesbu.*

Smith being asked, whether he had not uſed to go by the name of *Barry*, ſaid, he had gone by ſeveral names, as all Popiſh Prieſts do; he ſaid, he had given in his Information to Secretary *Jenkins*; he thought a little after my L. was committed; but had given notice long before of what he intended to do to other perſons. But the Queſtions put to him being not very material, and his Anſwers of little moment, for want of room, muſt be waved; and we come to *Bryan Haines*, who in anſwer to divers Queſtions put to him by the Jury, ſaid, That he gave in his Information againſt my L. *Shafteſbury*, the day that he the ſaid *Bryan* was taken by a Meſſenger; that he had before given in another

another account to Sir *G. Treby*, of a deſign againſt the L. *Shaftesbury*, about *March* laſt, which was, That *Fitz-Girald* had told him, that he had given it under his Hand to the King, that the E. of *Shaftesbury* did reſolve to ſet the Crown on his own Head, or turn the Kingdom to a Common-wealth; that he had diſcourſe with my Ld. at ſeveral times, ſometimes at his own Houſe, ſomtimes in *Ironmonger-Lane*; that there *Hains* had propoſed a Rebellion in *Ireland*; that the Earl ſaid that was not the beſt way, they had other means to take, and ſo the Diſcourſe was waved; being asked whether ever he had bin a Witneſs for, or againſt the Lady *Windham*, he ſaid ſhe areſted him, becauſe he had ſaid he lay with her.

John Macknamara anſwered to ſeveral queſtions put to him, that he had diſcourſe with the Lord *Shaftesbury* in *March* and *April*; that he could not tell exactly when he gave in his Information, but that it was to Secretary *Jenkins*; that *Ivey* was by when they had the diſcourſe; That he ſigned the Petition to the Common Council, but did not ſee it till 'twas brought him to ſign; that he did not read it, nor knew the Contents of it. Then Mr. *Papillion* told the Court, that in that Petition they ſay, they were tempted to ſwear againſt their Conſciences, and that ſome of the Witneſſes had made Shipwrack of their Conſciences; but if we ſhould ask them who tempted them, and

who thoſe Witneſſes were that made ſhipwrack of their Conſciences, it would ſignifie nothing; for ſince they do not know what was in the Petition, it is in vain to ask them any more.

J. Macknamara ſaid, he heard Mr. *Colledg* that was executed at *Oxford*, was concerned in promoting the Petition by my L. *Shaftsburys* Advice.

The Anſwer of *Dennis Macknamara* to divers queſtions put by the Jury, was to this purpoſe, That he was introduced to my Lord by his Brother, in *March* or *April* laſt, he knows not which; that none but *Ivey* was by; that he gave in his Information to the Secretary of State, long before the Earl was committed. Then Mr. *Papillion* propoſed to the Court, whether they might not ask, if he had a Pardon, for it would be ſatisfaction to them. Ld. Ch. Juſt. *North* anſwered, it might be proper when the Priſoner made Exceptions to the Witneſſes, but that there were no Exceptions to the Witneſſes. Mr. *Papillion* ſaid they made no exceptions, but they muſt ſatisfie their Conſciences, and that was very much as they found the credibility of the Witneſſes.

My L. Ch. J. *North* asked what he ſhould have a Pardon for: Mr. *Papillion* anſwered for Crimes: My L. C. J. *North* ſaid, They muſt not ask him to accuſe himſelf. Mr. *Papillion* ſaid, if he had a pardon he was in *Statu quo*; ſuppoſe my Ld. ſome of them have been guilty of Poiſoning, ſome of Felony, ſome of Rob-

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bing on the High way; they did but ask them if they were pardoned. L. C. J. *North* answered, a Man must not be impeached, but where he may answer for it. Mr. *Papillion* said, My Lord, if you do not give leave we must forbear then. L. C. J. *N.* said he did not think it proper.

Edward Ivey gave in answer to several questions demanded of him, That the discourse he had with my Lord, was some time after the sitting of the Parliament at *Oxford*, about the latter end of *March*, or beginning of *April*, that he could not be positive when he made his Information, but it was given to the Secretary of State; that he thinks the two *Macknamara's* were by & no body else; he is sure one of them was: That he gave his Information as soon as he could; that he knew nothing more than he had deposed.

To Questions asked of *Bernard Dennis*, he answered to this purpose; That he had this discourse in *April*, 4 or 5 days after the Parliament was dissolved at *Oxford*, In *March* after the Parliament was dissolved at *Oxford*, that it was at his own House, that Mr. *Shepheard*, a Gentleman of my Lords, was there, and some of his Pages; but he could not tell whether they heard any thing; that my Lord did not whisper, that he made this Information in *June*, before my Lord was committed; that he gave it to Secretary *Jenkins*; that he concealed it so long, because he continued so long in the City;

City; That he had been a Proteſtant ſince *February*: that he had the Diſcourſe with my Ld. in his own Chamber, the great Chamber, he knew not whether it was called the Hall, or the Parlor; that he knew nothing more but what he had declared; that he could not tell whether all his kindred were Papiſts, but moſt were.

Then the Jury took up the Statute Book; and in ſhort time came down, and returned the Bill *Ignoramus*. At which the People gave a great ſhout; the Attorney General deſired it might be recorded, this hollowing and hooping in a Court of Juſtice.

The Witneſſes had ſeveral times declared they were in danger to be ſtoned by the People, upon which the Sheriffs guarded them with a ſtrong guard as far as *Temple-Bar*.

Nov. 28. 1681. His Lordſhip the E. of *Shaftesbury* was brought up from the *Tower*, to the Bar of the *King's-Bench*, upon *Habeas Corpus*, and ſeveral perſons of Honour offering themſelves for Bail, his Lordſhip prayed the Court, that ſome friends and relations of his own might be accepted; which was accordingly granted. The ſame time Mr. *Wilſon*, a Gentleman belonging to the E. of *Shaftesbury*, (who had been committed to the *Gate-houſe* for Treaſon, during his Lordſhips Confinement in the *Tower*) was diſcharged upon Bail. And a Proclamation was Iſſued out for preventing of Bonfires, it not being thought fit that people ſhould be encouraged in their triumphs on that occaſion; tho many conſiderable Towns and Cities in the Country, upon the news of the diſcharge of his Lordſhip, and the Lord *Howard*, proclaimed their Con-

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gratulations by Bells and Bonfires. During the time of the Earl of *Shaftesburies* Confinement, many made it their buſineſs to detract, and vilipend him, 'twas the mode among ſome to drink his Health, with a *Pendulum*, at a Hempen ſtring, to call him *Tony*, Tapskin, and King of *Poland*, &c. a man could hardly be admitted to drink a glaſs of Wine, without caſting ſome of it in his face. After this great Tryal, the Right Honourable the Earl of *Shaftesbury* (as it's ſaid) arreſted one *Baines*, one of the Witneſſes againſt him, on a Writ of Conſpiracy, and had likewiſe *Booth*, (a Priſoner in the *Kings-Bench*) with a Writ of the ſame nature, intending to do the like with other the Aſperſours of his Honour, and Loyalty. One Mr. *Graham* of *Staples* Inn, and Mr. *Craddock*, of *Pater-Noſter-Row*, were Arreſted, about *Decemb.* on an Action of *Scandalum Magnatum*, at the Suit of the ſaid Earl.

Monday, *Feb.* 14. 1681. My L. *Shaftesbury*, my L. *Howard* appearing in *Weſtm.* Hall, it being the laſt day of the Term, and there being nothing to be charged againſt them, they were diſcharged, together with Mr. *Wilmore*, and Mr. *Whitaker*.

May 4. 1682. being the firſt of the Term, a motion was made by the Council for Mr. *Craddock*, who (we ſaid) had been Arreſted by the Right Honourable the E. of *Shaftesbury*, and a Declaration was delivered, that the E. intended to come to Tryal that Term. Mr. *Craddock's* Council moved, that the great Intimacy betwixt his Lordſhip, and the Sheriffs, and Inhabitants of *London*, might influence the Jury; and therefore prayed the Court that the Trial thereof might be orderdered in another County. The Court ordered *Friday* following for his Lordſhip to ſhew cauſe why it might not be Tryed by an Indifferent Jury of another County. On the *Friday* his Lordſhip himſelf appeared in Court, and declared he would

not

not oppoſe the making the Rule abſolute; for he deſir'd it ſhould be Tryed by an Indifferent Jury, only deſired to have it Tryed that Term: The Defendant's Council ſtill preſs'd the changing of the *Venire*, that it might ariſe out of ſome other County, and that they could have ſuch Affidavits as would induce the Court thereunto. The Court ordered the *Monday* following to file the Affidavits, that my Lord's Council might have notice.

May 12. The Council for Mr. *Graham* made a motion in Court to the ſame purport, as Mr. *Craddock*'s Council had done. After which his Lordſhip declared, That if he could not have the Liberty of a Subject, to lay his Action in what County he pleaſed, he would remit it until ſuch time as he had further conſidered it. Thus have we faithfully given you an Account of the moſt Remarkable Occurrences relating to this great Peer unto this time: Afterwards he lived at his own houſe in *Alderſgate-ſtreet*, and continued there until the beginning of this preſent *Novemb.* when it is ſaid, he Embarqued for the *Brill*, and hath ſince his Arrival received great Teſtimonies of an Honour and Reſpect ſuitable to the Character of ſo great and known a States-man, whoſe Fame is not only celebrated in the Court of *Holland*, but amongſt all the States-men in *Europe*.

FINIS.